

EXHIBIT 3

<p>1 - - -</p> <p>2 DEPOSITION SUPPORT INDEX</p> <p>3 - - -</p> <p>4 Direction to Witness Not to Answer</p> <p>5 Page Line Page Line Page Line</p> <p>6 None</p> <p>7</p> <p>8 Request for Production of Documents</p> <p>9 Page Line Page Line Page Line</p> <p>10 None</p> <p>11</p> <p>12</p> <p>13 Stipulations</p> <p>14 Page Line Page Line Page Line</p> <p>15 6 2-6</p> <p>16</p> <p>17</p> <p>18 Question Marked</p> <p>19 Page Line Page Line Page Line</p> <p>20 None</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	Page 5	Page 7
<p>1 - - -</p> <p>2 (It is hereby stipulated and agreed by</p> <p>3 and among counsel that sealing, filing and</p> <p>4 certification are waived; and that all</p> <p>5 objections, except as to the form of questions,</p> <p>6 be reserved until the time of trial.)</p> <p>7 - - -</p> <p>8 DANIEL WILLIAM SHARKEY, after having</p> <p>9 been duly sworn, was examined and testified as</p> <p>10 follows:</p> <p>11 - - -</p> <p>12 EXAMINATION</p> <p>13 - - -</p> <p>14 BY MS. YEH:</p> <p>15 Q. Mr. Sharkey, just to explain what</p> <p>16 she means by usual stipulations is that</p> <p>17 afterwards there's going to be a transcript</p> <p>18 produced from this deposition, and you have the</p> <p>19 opportunity to read the transcript and review</p> <p>20 it. You know, if there are certain errors in</p> <p>21 it, you would be able to make notations of those</p> <p>22 errors. Would you like to do that or would you</p> <p>23 prefer to waive that right?</p> <p>24 A. No, I would like to review it.</p>	Page 6	Page 8

<p style="text-align: right;">Page 9</p> <p>1 So, in terms of ground rules, 2 everything that I say, you say or what other 3 people say in the room will be taken down by the 4 court reporter. So, therefore, it is important 5 that you make all your answers verbal in nature. 6 So, for example, the court reporter cannot write 7 down a shake of the head or a nod of the head. 8 So, I'm going to ask you to say yes or no or 9 some other response verbally. Do you 10 understand?</p> <p>11 A. I do.</p> <p>12 Q. And do you understand that you are 13 under oath today?</p> <p>14 A. I do.</p> <p>15 Q. Do you understand that this means 16 that you are swearing that all your answers to 17 my questions are true and correct?</p> <p>18 A. I do.</p> <p>19 Q. If at any point you need a break, 20 feel free to let me know and we can take that 21 break. The only requirement is that if I have a 22 question that I have already asked, that you 23 first respond to that question and then we can 24 take that break. Do you understand?</p>	<p style="text-align: right;">Page 11</p> <p>1 the room who is your attorney? 2 A. No. 3 Q. I'm first going to ask you some 4 background questions. Can you please tell me 5 your date of birth?</p> <p>6 A. [REDACTED]</p> <p>7 Q. And what is your -- where do you 8 currently live? You can give me the city and 9 the state.</p> <p>10 A. Reading, PA.</p> <p>11 Q. Can you describe your educational 12 background for me?</p> <p>13 A. And I have a Bachelor's degree.</p> <p>14 Q. Did where you get the Bachelor's 15 degree from?</p> <p>16 A. Alvernia University.</p> <p>17 Q. And when did you graduate?</p> <p>18 A. 2006.</p> <p>19 Q. And what was your degree in?</p> <p>20 A. Criminal justice.</p> <p>21 Q. Can you describe whether or not 22 you have ever been in the armed forces?</p> <p>23 A. Yes, I have.</p> <p>24 Q. And what was your what branch and</p>
<p style="text-align: right;">Page 10</p> <p>1 A. I do.</p> <p>2 Q. If at any time you do not 3 understand a question that I ask you will you 4 let me know?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And if at any point through 7 this deposition you realize that an answer that 8 you gave earlier is not correct or not complete 9 can you let me know?</p> <p>10 A. Yes.</p> <p>11 Q. Is there any reason at all today 12 why you would not be able to give full and 13 complete testimony?</p> <p>14 A. No.</p> <p>15 Q. And are you taking any medications 16 at all that would prevent you from testifying 17 truthfully or completely today?</p> <p>18 A. No.</p> <p>19 Q. And, Mr. Sharkey, I just want to 20 note, you do understand that you had the right 21 to bring an attorney to this proceeding or to 22 this deposition?</p> <p>23 A. Yes.</p> <p>24 Q. And currently is there anyone in</p>	<p style="text-align: right;">Page 12</p> <p>1 what did you do?</p> <p>2 A. I was in the United States Coast 3 Guard for five years and I was a machinery 4 technician third class petty officer.</p> <p>5 Q. And when did you -- when were you 6 with the U.S. Coast Guard?</p> <p>7 A. '96 to 2000 -- no. Sorry. '97 to 8 2002.</p> <p>9 Q. Okay. And with the Coast Guard, 10 I'm not sure if it's like with other military, 11 were you discharged from there?</p> <p>12 A. Honorable discharge.</p> <p>13 Q. Okay. And what is your -- do you 14 have a current job or vocation?</p> <p>15 A. I do not. I stay home with my 16 kids.</p> <p>17 Q. Okay. So, what I'm going to ask 18 you to do is just to go through briefly your 19 work history starting basically from the time 20 when you graduated from college moving forward.</p> <p>21 Okay. So, 2006?</p> <p>22 A. Okay.</p> <p>23 Q. So, when you finished your degree, 24 what job did you have, if any?</p>

<p style="text-align: right;">Page 13</p> <p>1 A. I was employed by Berks County. 2 Q. And what was your -- what agency 3 or facility did you work for? 4 A. I worked at the juvenile detention 5 center. 6 Q. And what was your position? 7 A. A juvenile corrections counselor. 8 Q. And how long did you have that 9 position for? 10 A. Roughly, six years. 11 Q. Was that till about 2012, then? 12 A. Yes. Then I was laid off. 13 Q. Okay. And then you said you were 14 laid off? 15 A. Yes. 16 Q. And when did you next find 17 employment? 18 A. I worked for Unisource Management 19 Corporation out of Vermont. 20 Q. And were you living in Vermont at 21 that time? 22 A. I was not. Still living here. 23 Q. Okay. And how long did you have 24 that?</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Like taps in bars and restaurants 2 and stuff. 3 Q. Oh, okay. And how long did you 4 have that position for? 5 A. Probably about six months. 6 Q. Okay. And what did you do after 7 that, if anything? 8 A. Nothing. Went to jail. 9 Q. Okay. And how long did you end up 10 serving in jail? 11 A. 152 days. 12 Q. And when were you released? 13 A. September 11th of last year. 14 Q. 2016? 15 A. 2016. 16 Q. And have you had any employment 17 since then? 18 A. I've done construction work but 19 nothing -- you know, not full time. 20 Q. Okay. And when you did 21 construction work was it for a particular 22 company at all? 23 A. No. It was just subcontractor 24 work.</p>
<p style="text-align: right;">Page 14</p> <p>1 A. That was about a year, a year and 2 a half. 3 Q. And what was your position? 4 A. I was a field auditor for 5 commercial properties. 6 Q. Okay. And what did you do after 7 that? 8 A. I went back to the -- working for 9 the county at the Berks County Residential 10 Center. 11 Q. And what was your position there? 12 A. Shelter care counselor. 13 Q. And how long did you work there 14 till? 15 A. Till 2014. 16 Q. And then after that employment did 17 you have other employment? 18 A. I worked for Tap Pro Tavern 19 Services. 20 Q. And what was your position? 21 A. I installed -- I didn't really 22 have -- I would install beer systems. 23 Q. What do you mean, machinery or was 24 it --</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. And as a subcontractor were 2 you working sort of as an independent person or 3 did you go through some type of company or 4 agency or a union? 5 A. An independent person. 6 Q. Okay. So, I'm going to -- 7 actually, do you have any other work experience 8 aside from what you have listed to me? 9 A. Not since the time you said. 10 Q. Okay. So, I'm going to focus my 11 questions more on your time at the Berks County 12 Residential Center. So, you had stated you 13 started working at the Berks County Center in 14 2012? 15 A. Yeah. I don't have the exact 16 date, but it's somewhere around then. 17 Q. I'm sorry. That's -- actually, 18 you didn't say. You said that you worked at the 19 juvenile detention center 2006 through 2012. 20 Then you worked for another about year, year and 21 a half. When did you start working at the Berks 22 County -- 23 A. I don't know what the date is. I 24 don't know what the time was.</p>

<p>1 Q. Was it roughly 2013?</p> <p>2 A. I was there for I think like 13, 3 14 months. I don't know.</p> <p>4 Q. Okay. While you were employed at 5 the Berks County Residential Center you had 6 stated you were a shelter care counselor?</p> <p>7 A. Yes.</p> <p>8 Q. Did you hold any other positions 9 there?</p> <p>10 A. No.</p> <p>11 Q. So, I'm going to ask you during 12 your time there what your job duties and 13 responsibilities were?</p> <p>14 A. Okay.</p> <p>15 Q. So, can you first describe to me 16 what your responsibilities were as a shelter 17 care counselor?</p> <p>18 A. Maintain the safety and security 19 of all the residents that were there. I mean, 20 there was collateral duties that were there, to 21 get people to appointments and emergencies or if 22 stuff had to get done, you know, you were just 23 asked by supervisors to do collateral stuff 24 around the facility.</p>	Page 17	Page 19
<p>1 Q. Okay.</p> <p>2 A. But the main thing was to be with 3 the residents.</p> <p>4 Q. And while you were there what 5 shift did you work?</p> <p>6 A. Second shift.</p> <p>7 Q. And what time did you have for 8 your shift?</p> <p>9 A. I believe it was 2:15 to 10:15, 10 10:30, somewhere in there.</p> <p>11 Q. Okay. And while you were there 12 what we learned from other individuals who 13 testified in depositions was that there were 14 various posts that you could work?</p> <p>15 A. Yes.</p> <p>16 Q. Is that correct?</p> <p>17 A. Yes, there is.</p> <p>18 Q. While you were there did you work 19 a variety of posts?</p> <p>20 A. Yes.</p> <p>21 Q. And were you rotated through 22 different posts on a day-to-day basis?</p> <p>23 A. Sometimes.</p> <p>24 Q. Okay. And so did the job duties</p>	Page 18	Page 20

<p style="text-align: right;">Page 21</p> <p>1 A. B1 post was probably the most 2 important post there because you were in charge 3 of logging everything. You know, doing counts 4 of all the residents, making sure everybody was 5 there as well patrolling that floor, that B1 6 floor. And anybody that came in and out of the 7 building you were to log that in, their enter 8 and exit.</p> <p>9 Q. And while you were in that post 10 did you tend to stay in a certain location?</p> <p>11 A. Yeah. You are on that -- on the B 12 floor, yeah.</p> <p>13 Q. And, just to clarify for the 14 record, B floor, is that the third floor of the 15 facility?</p> <p>16 A. Are you counting the basement, 17 too?</p> <p>18 Q. Well, I guess some people refer to 19 it as the third floor. Perhaps there is the one 20 floor where you enter --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- more of like a ground floor. 23 Some people were referring to that as a second 24 floor.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. The storage. Storage. I mean, 2 like all the way back in the medical wing 3 it's -- the food stuff was back there. There's 4 a clothing closet. There's -- that's all I 5 remember. I don't know.</p> <p>6 Q. That's fine. Okay. All right. 7 So, while you were on B1 post was there a 8 particular area or location that you were 9 required to be in?</p> <p>10 A. I don't know if you are required 11 to be in there, but you were supposed -- you 12 were generally around the desk there, but, I 13 mean, you could -- you know, you could be 14 relieved of that post. You know, someone would 15 just take over the book. I mean, it's not like 16 you were required to be there.</p> <p>17 Q. And how would you be relieved from 18 the post?</p> <p>19 A. Another staff member would come.</p> <p>20 Q. Okay. And did you have any other 21 duties as -- on the B1 post?</p> <p>22 A. Not -- usually the logbook was 23 pretty much you were -- oh, you had to make sure 24 the counts were all correct and stuff like that,</p>
<p style="text-align: right;">Page 22</p> <p>1 A. Okay.</p> <p>2 Q. Unless you refer to it as the 3 first floor. I don't want to put words in your 4 mouth.</p> <p>5 A. I don't know. That's fine. Yeah, 6 third floor, I guess, if you include the 7 basement.</p> <p>8 Q. Or if you want to call it the 9 upper floor we could do that.</p> <p>10 A. Upper floor, yeah.</p> <p>11 Q. So, B1 would be the upper floor; 12 is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And that floor also has the dining 15 room?</p> <p>16 A. Yes, the cafeteria.</p> <p>17 Q. Cafeteria?</p> <p>18 A. Medical.</p> <p>19 Q. Medical. And what else was on 20 that floor?</p> <p>21 A. There's bathrooms, the residents' 22 rooms, a common area for the residents. That's 23 about it.</p> <p>24 Q. Anything else?</p>	<p style="text-align: right;">Page 24</p> <p>1 but usually the B1 was like the logbook and the 2 counts and stuff were pretty much here and the 3 residents.</p> <p>4 Q. When you say the residents, what 5 were your responsibilities towards the residents 6 on B1 post?</p> <p>7 A. There was counts during certain 8 times of the day.</p> <p>9 Q. Anything else?</p> <p>10 A. Unh-unh.</p> <p>11 Q. Is that a no?</p> <p>12 A. No. Sorry.</p> <p>13 Q. Okay. Okay. So, let's move to 14 the next one, B2 and it also says kitchen 15 cleanup. What were your responsibilities during 16 your employment at the Berks County Residential 17 Center of B2 post?</p> <p>18 A. B2 was kind of like the back part 19 near medical. You were supposed to be stationed 20 back there. And then the kitchen cleanup part 21 was at the end of the mealtime you were supposed 22 to assist in the cleanup. Help with the 23 cleanup. There's residents that had, you know, 24 certain job duties there and you just kind of</p>

<p style="text-align: right;">Page 25</p> <p>1 helped them out or, you know, kind of get them 2 to help clean up the kitchen when dinner was 3 done. 4 Q. Okay. And so during your post the 5 main meal that would have been done was the 6 dinner meal? 7 A. Uh-huh. Yes. 8 Q. Okay. And aside from the kitchen 9 cleanup what were your other responsibilities? 10 You said you were located more near the medical 11 area? 12 A. Yes. 13 Q. Okay. And if you were assigned to 14 that post what else did you do, if anything? 15 A. Well, you were to monitor the 16 residents that were in that back part as opposed 17 to where the B1 desk would be. 18 Q. And did you also go to the other 19 parts on that floor as part of your B2 post 20 responsibilities? 21 A. Did I personally? 22 Q. Yes. 23 A. Yeah. 24 Q. Okay.</p>	<p style="text-align: right;">Page 27</p> <p>1 security issue. So, I mean, I guess it -- I 2 think you are required to do it. 3 Q. Okay. All right. So, let's just 4 move on and get a description of each of these 5 different posts. What about the A1 post? 6 A. I believe that's downstairs or the 7 first floor, I guess, or lower floor. 8 Q. Okay. 9 A. And I believe that's at the desk 10 down -- the desk common area there. 11 Q. Is that the desk in sort of the 12 dayroom area or closer to the entrance? 13 A. I believe that's the A1 post. 14 Q. And what were your 15 responsibilities if you had A1 post? 16 A. You know, monitoring the 17 residents. You know, there was activities that 18 were done there and safety and security of the 19 residents while they were playing the games or 20 just watching TV, and just make sure nothing was 21 going awry. 22 Q. When you say monitor residents, 23 how closely were you expected to monitor the 24 residents?</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Yes. 2 Q. Okay. And what would you do when 3 you went to the other locations on that floor? 4 A. You know, just move about. You 5 know, make sure everything is okay and then go 6 back to your post and just keep checking, make 7 sure everything is all right. 8 Q. Okay. And did you have any 9 requirements to check certain locations at 10 certain times? 11 A. Requirements by like the county, 12 by policy or -- 13 Q. As part of your job duties from 14 what you understood your job duties to be at 15 that time? 16 A. For the B2 post? 17 Q. Yes. 18 A. I mean, I used to check -- check 19 areas, but I don't know if everybody was 20 required to do it. 21 Q. Okay. 22 A. I mean, if there was an unlocked 23 door, I mean, you don't want the door to be 24 unlocked or stuff like that. It's a safety --</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I don't understand. What do you 2 mean by how closely? 3 Q. Well, were there certain 4 expectations in terms of making observations of 5 certain numbers of residents or certain areas or 6 like, when you were there, what would you do if 7 you were on A1 post? 8 MR. CONNELL: I'm going to object 9 to the form of the question. 10 BY MS. YEH. 11 Q. Yes. It was actually kind of a 12 long question. Let me try to tighten that up 13 for you. You had mentioned as part of your 14 duties that you were -- part of your duties were 15 to monitor residents. Why don't you explain to 16 me what you mean by monitoring residents. 17 A. A lot of times in that area you get 18 a lot of juveniles down in that area to play 19 sports or the sporting activities that were down 20 there. So, you know, you would interact with 21 them or you would -- you know, if they were 22 playing, you just want to make sure they are all 23 getting along and everybody is doing what they 24 are supposed to be doing. I mean, sometimes you</p>

<p style="text-align: right;">Page 29</p> <p>1 would take a head count and stuff like that or 2 everybody would have radios, you would radio, 3 you know, two coming up or -- you know, to let 4 the top floor know what was going on.</p> <p>5 Q. Okay. Anything else with respect 6 to monitoring the residents on A1 post?</p> <p>7 A. No.</p> <p>8 Q. Okay. And any other 9 responsibilities that you remember from A1 post?</p> <p>10 A. I mean, you are responsible for 11 the cleaning aspect of it.</p> <p>12 Q. Okay. And what was that?</p> <p>13 A. Same thing as -- I mean, there's 14 cleaning had to get done throughout the 15 facility. So, there was residents and staff, 16 they would assist in mopping the floors and 17 vacuuming and wiping stuff down, just making 18 sure it was all clean.</p> <p>19 Q. Okay. Any other responsibilities?</p> <p>20 A. No.</p> <p>21 Q. Okay. What about A2 and A3? And 22 I say them together because they were listed 23 together here on this chart. If for some reason 24 they are different, feel free to tell me.</p>	<p style="text-align: right;">Page 31</p> <p>1 A. There was the supervisors' office, 2 there was another common room down there. There 3 was an arts and crafts room. There was like a 4 spot where we kept all the, you know, chemicals 5 and stuff for cleaning. There was a church 6 area. There was a school. There was a couple 7 other various rooms that were used for other 8 activities that just had tables in them. There 9 were staff bathrooms, residents bathrooms, there 10 was a computer room. There was the doors to -- 11 to the management. There was door to 12 immigration and customs. There was like a gym 13 area where they had box hockey and kind of an 14 open floor in there with gym equipment in. And 15 then there was another supervisors' office down 16 towards the end.</p> <p>17 Q. Okay. And when you mention 18 school, were those classrooms or was there 19 actually like a physical school in there?</p> <p>20 A. They are classrooms.</p> <p>21 Q. Okay. Okay. So, you had 22 described that on A2 and A3 post was like 23 similar to B2 in that generally you were more 24 towards the front of the facility. You just</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Are they different?</p> <p>2 Q. Well, why don't you tell me the 3 job responsibilities you had if you were on A2 4 and A3 -- or A3 post?</p> <p>5 A. I believe A2 and A3 were similar 6 to B2 on the top floor. They were more towards 7 the -- I guess like the front part of the 8 facility, and that job was similar. There was, 9 you know, activities going on. There was a 10 computer room there and your job was to 11 maintain, you know, safety and security of the 12 residents while you were in -- at those posts.</p> <p>13 Q. Okay. And why don't you describe 14 for me what else was on that -- the A floor just 15 in terms of the physical structures. What 16 other -- you mentioned -- well, why don't you 17 just tell me what else is on that floor?</p> <p>18 A. Physical structures?</p> <p>19 Q. Uh-huh.</p> <p>20 A. What, tables and couches and 21 chairs?</p> <p>22 Q. What rooms were there?</p> <p>23 A. Oh, what rooms were there?</p> <p>24 Q. Yes. What else was there?</p>	<p style="text-align: right;">Page 32</p> <p>1 described a number of different rooms. What do 2 you mean by you were more towards the front of 3 the facility? What was on that end?</p> <p>4 A. I think that's more of like -- 5 it's more of like a coverage issue than it is -- 6 'cause, if you're B1, you are kind of up in that 7 part of the building and there was other posts 8 to kind of cover the stuff that they couldn't 9 see. So, you would be in back towards the 10 front, the entrance of the building.</p> <p>11 Q. Okay. So, the A2 and A3 posts 12 might be more towards the front, the entrance of 13 the building?</p> <p>14 A. Entrance of the building.</p> <p>15 Q. Okay. Anything else with respect 16 to your duties for A2 and A3 post?</p> <p>17 A. No.</p> <p>18 Q. All right. So, the next one on 19 the list is M1. Can you describe while you were 20 employed there what were your job 21 responsibilities?</p> <p>22 A. That's the medical post. That's 23 on the top floor.</p> <p>24 Q. Okay. And what were your job</p>

<p>1 responsibilities?</p> <p>2 A. Your job responsibilities were to, 3 if there was any appointments that need to be 4 taken care of, you were given a list of those 5 medical appointments, and your job was to take 6 those residents to their -- you know, their 7 appointment. Or if there was any kind of injury 8 or something like that outside, you know, or 9 anywhere in the facility, your job was to, you 10 know, let the nurse or, you know, the doctor 11 there know what was going on and escort them up 12 there, you know, be part of that.</p> <p>13 Q. Uh-huh.</p> <p>14 A. And then clothing closet and 15 trash. There was a clothing closet that people 16 donated clothes to, and that was for the 17 residents to -- if they asked to go back there, 18 you would go back there.</p> <p>19 Q. Okay. You had said you got a list 20 of individuals, and would you have to go and 21 inform those individuals they had a medical 22 appointment?</p> <p>23 A. Yes.</p> <p>24 Q. And how would you go about doing</p>	Page 33	<p>1 they needed -- they would do breaks if you 2 needed. You know, if you were on the logbook 3 and you needed somebody, you would call a 4 floater on the radio and they would come relieve 5 you of your post and saw everything was -- so 6 you didn't abandon your post. So, that was kind 7 of the floater's role.</p> <p>8 Q. All right. And what about -- 9 anything else? Before I move on, anything else 10 for the floater's role?</p> <p>11 MR. CONNELL: Object to the form 12 of the question.</p> <p>13 BY MS. YEH:</p> <p>14 Q. You can answer.</p> <p>15 A. Well, it says school. So, the 16 floaters would be at school, too, because you 17 always had a staff member in the classrooms, 18 too, as well. So -- no, that's it for that one, 19 I guess.</p> <p>20 Q. Okay. And then the next post 21 listed is outside. Can you describe what that 22 post is?</p> <p>23 A. Any -- you were posted outside by 24 the fenced-in area where there is volleyball and</p>	Page 35
<p>1 that? How would you inform the residents or the 2 detainee that they had a medical appointment?</p> <p>3 A. I don't understand. How would I 4 inform them?</p> <p>5 Q. Yes.</p> <p>6 A. Well, a lot of times they knew 7 they had an appointment, because it would be a 8 repetitive thing. I mean, if you have diabetes, 9 it's a repetitive thing. So, a lot of them know 10 or they would even come to you and say I need to 11 go at 2:00 and 4:00, but you would just go and 12 tell them they had an appointment or show them a 13 name on a piece of paper.</p> <p>14 Q. Okay. All right. And the next 15 position listed is floater.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Can you describe what that 18 position is?</p> <p>19 A. The floater is for kind of like 20 the extras on the shift. You know, they are 21 either assisting outside, you know, if there was 22 too many people outside or if there was, you 23 know, anything that had to get done. They were 24 kind of like the extras on the shift. So, if</p>	Page 34	<p>1 soccer and all the activities outside. Kids 2 could ride their bikes and play. Your job was 3 just to kind of rove out there and make sure 4 everything -- everybody was safe and, you know, 5 nothing was going on.</p> <p>6 Q. Okay. And if your post was 7 outside were you typically outside with the 8 individuals there or like do you mean that you 9 were actually physically outside?</p> <p>10 A. Yeah. As long as it's residents 11 out there, yes.</p> <p>12 Q. And if there were no residents 13 there then where would you be?</p> <p>14 A. You were inside the double doors 15 there right by the other supervisors' office 16 there by the entrance door. Entrance of the 17 facility.</p> <p>18 Q. Okay. So, were the doors to the 19 outside also close to the entrance to the 20 facility?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. But they were separate 23 doors?</p> <p>24 A. Yes.</p>	Page 36

<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. And as the -- when you were 2 posted on the outside post did you have any 3 responsibilities towards that front entrance? 4 A. I mean, you -- you could, but a 5 floater would have to come down there because 6 there was -- you know, there was -- you had to 7 log them in and give them a pass and stuff like 8 that. So, you really couldn't leave, because 9 you couldn't see if you went there and if 10 somebody went outside you couldn't see. So, I 11 would call a floater or supervisor to come down 12 there.</p> <p>13 Q. Okay. So, when you were on the 14 outside post your focus was more on the door to 15 that outside area where the residents were 16 permitted?</p> <p>17 A. Right.</p> <p>18 Q. As opposed to the other door that 19 led to the exit to the facility?</p> <p>20 A. Right. That was a secure door on 21 both sides, so there was no really -- residents 22 didn't go through that door. That was more if 23 there was a visitor or if there was somebody 24 here that was there to visit in the facility.</p>	<p style="text-align: right;">Page 39</p> <p>1 of that question, but you can answer. Just so 2 we're clear, sir, and in case it wasn't clearly 3 stated at the outset, at various times the 4 attorneys may object. That doesn't prevent you 5 from answering. It's just a matter of --</p> <p>6 THE WITNESS: Okay. I'm just 7 pausing because I don't know what's going on.</p> <p>8 MR. CONNELL: No, appreciate that. 9 Just so you understand, it's not like in a 10 courtroom where somebody objects and then you 11 wait to hear what the judge says about that.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MR. CONNELL: We object doing our 14 jobs as attorneys for purposes of the entirety 15 of the record.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. CONNELL: But it doesn't 18 prevent you from answering.</p> <p>19 THE WITNESS: So, just keep going?</p> <p>20 BY MS. YEH:</p> <p>21 Q. Yes.</p> <p>22 A. Okay. What was that again? The 23 doors. The doors are all secure there. I mean, 24 you need I think it's a magnetic key or whatever</p>
<p style="text-align: right;">Page 38</p> <p>1 Otherwise, you were stationed by that and I 2 believe A1 or A2 or A3 would let you know if -- 3 you know, they would tell you on the radio if 4 there was residents coming outside and then you 5 would go outside.</p> <p>6 Q. And did you say that both doors 7 were secure?</p> <p>8 A. What both doors?</p> <p>9 Q. Sorry if I misunderstood you. I 10 thought you said both doors were secured. So, 11 maybe I should back up. The door to --</p> <p>12 A. The door that goes to the front of 13 the building you can't access. You can't access 14 that door. Well, they can't access any of the 15 doors. We had to open -- I think that first set 16 of doors they can open. No, the first one they 17 can't, but the second one they could open. You 18 had to have a key or whatever to open those 19 doors. You couldn't just --</p> <p>20 Q. That would exit the whole 21 facility?</p> <p>22 A. Right.</p> <p>23 Q. What about the other --</p> <p>24 MR. CONNELL: I object to the form</p>	<p style="text-align: right;">Page 40</p> <p>1 to unlock the doors. There was one door that 2 went out to the front of the building and then 3 there was a double set of double doors that went 4 out to the outside area.</p> <p>5 Q. Okay. So --</p> <p>6 A. Which you would need that key to 7 unlock any of those doors.</p> <p>8 Q. Okay. All right. So, if a 9 resident wanted to go to the outside area where 10 they were permitted, a staff member would have 11 to also key that door open?</p> <p>12 A. As far as I knew, yes.</p> <p>13 Q. Okay. All right. And then, in 14 general, were the residents -- could they choose 15 to go to the outside area or were there 16 scheduled times for them to go outside?</p> <p>17 A. On my shift?</p> <p>18 Q. Correct.</p> <p>19 A. No. They were free to go out. I 20 mean, obviously, if it was dinner time you 21 couldn't be outside or there was certain stuff 22 going on inside the facility there was times 23 where you weren't allowed to do it, but, other 24 than that, if it was the normal 2:00 to 10:00 so</p>

<p style="text-align: right;">Page 41</p> <p>1 to say shift, they were free to go out there. 2 We had somebody posted there. So, as long as 3 there was somebody posted there, they were free 4 to go out there. 5 Q. Okay. So, even though the door to 6 the outside like yard area, if you will, 7 required like a magnetic key to open, they could 8 still choose to go to, and they would just need 9 to have a staff member open the door for them? 10 A. The staff member would be posted 11 down there to go out there. 12 Q. Okay. So, what I wanted to do was 13 just ask a little bit more about like, if there 14 is such a thing, a typical day in terms of being 15 a shelter care counselor. And it might be 16 that -- I understand that each day is never 17 going to be the same, but generally like you 18 arrive on shift, what do you do? What's your 19 first responsibility? 20 A. To get keys to the facility. 21 Well, punch -- punch in, make sure you are on 22 time, of course, and then you want to get keys. 23 So, there is a pegboard for keys. Depending on 24 your post, you know, you would -- if you were B1</p>	<p style="text-align: right;">Page 43</p> <p>1 A. That's attached to it. 2 Q. And, when you mention keys, are 3 they actual physical keys or they are just more 4 magnetic card keys? 5 A. There's a card on there and 6 there's also physical keys. 7 Q. Okay. So, you would punch in, you 8 go to the pegboard, you get your keys. What do 9 you do next? 10 A. We have briefing. 11 Q. Okay. 12 A. The supervisors come down and tell 13 us what's going to be going on during our shift 14 or anything that was passed down to them that 15 has to get done. 16 Q. And what would you do after that? 17 A. Once we were relieved by the 18 supervisors we would go to our posts. 19 Q. Okay. And then once you are on 20 your post -- 21 A. Oh, no. You had to sign a book 22 and then you go to your post. 23 Q. Was the book signing different 24 from the punching in?</p>
<p style="text-align: right;">Page 42</p> <p>1 you would get the B1 keys. 2 Q. You said there's a pegboard? 3 A. Well, it's like a locked like 4 cabinet with the keys that are attached to it 5 for the facility. 6 Q. And where was that located? 7 A. In the briefing room on the -- in 8 the basement. 9 Q. Okay. And it sounds like there 10 were different sets of keys for different 11 locations or different areas of the facility or 12 did you get a set of keys that -- there was just 13 one type of set of keys? 14 A. No, I believe there were 15 certain -- I mean, most of the keys were -- you 16 had pretty much access to a lot of the areas 17 but, I mean, I think some of the keys varied. I 18 don't recall which key had which, but I know 19 some of the keys -- there's certain numbers on 20 the keys or they were labeled somehow, you know, 21 certain keys go in certain areas, and some 22 people have those keys and some people don't. 23 Q. When you say keys, because earlier 24 you referenced like a magnetic --</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes. 2 Q. So, what was the signing in the 3 book for, if you know? 4 A. I don't know. Everybody just was 5 told to sign this book. 6 Q. Okay. All right. So, then when 7 you went to your post and then typically did you 8 have the same post for the entire shift? 9 A. Typically, yes. 10 Q. Okay. And so I just had a few 11 other questions related to job responsibilities. 12 So, if you were on B1 or B2 post, generally did 13 you stay on the B floor for your shift? 14 A. If that was your post, that's 15 where -- yeah, I mean, unless, you know, you 16 were relieved or like I said before. 17 Q. And if you were on A1, A2 or A3 18 post were you typically on A floor or that lower 19 floor? 20 A. You keep saying typically. What 21 do you mean by typically? Like if you show up 22 for the day here, this is where everybody is 23 supposed to be that's -- 24 Q. Maybe I'll ask the question a</p>

<p style="text-align: right;">Page 45</p> <p>1 different way. If you were on B1 or B2 post the 2 focus of the job duties is that floor as opposed 3 to going in between the floors?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. Unless, you know, a supervisor 7 came and told you unless there was an 8 extenuating circumstance where somebody would be 9 relieving you at that post.</p> <p>10 Q. Sure. Sure. Okay. And when you 11 are on -- actually, hold on. When you were on 12 the A floor I think you had mentioned that for 13 both when you were on B floor and A floor you 14 had the job responsibility of monitoring the 15 individuals who are there or the residents or 16 the detainees there; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Did you also have job 19 responsibilities if you were on A floor in terms 20 of supervising any of the activities that took 21 place on that floor?</p> <p>22 A. Yes. I mean, that was based on, 23 you know, if there was enough staff to do that 24 stuff or they would move it out to the common</p>	<p style="text-align: right;">Page 47</p> <p>1 responsibilities were to monitor the residents 2 more in the back part; is that correct?</p> <p>3 A. What post was that?</p> <p>4 Q. I believe the B2 post?</p> <p>5 A. Yeah, because there was a TV area 6 back there and the cafeteria was back there and 7 it was just like a whole other room back there.</p> <p>8 Q. I just wanted to clarify a little 9 bit what you meant by back part. When you said 10 back part were you including like the dayroom 11 area as part of the back part?</p> <p>12 A. Well, if there is nobody in 13 that -- no. No, I'm not including that dayroom 14 area.</p> <p>15 Q. What about the areas where the 16 residents' rooms were?</p> <p>17 A. What about them?</p> <p>18 Q. When you said the back part, for 19 your B2 post, did your job responsibilities also 20 include the hallways or that area where --</p> <p>21 A. If there was nobody back in that 22 area, I mean, you would be up at the -- you 23 know, you want to be where the residents are.</p> <p>24 You don't want to be -- you are not going to sit</p>
<p style="text-align: right;">Page 46</p> <p>1 area where there was -- you know, there was -- 2 it was more of a staff thing, but, yeah, there 3 was activities that were done by staff members. 4 Arts and crafts and --</p> <p>5 Q. What do you mean by staff? Do you 6 mean the actual -- yeah. What do you mean by 7 that?</p> <p>8 A. Well, you have to have staff to 9 cover all these positions. I mean, if you see 10 up here there's two for outside and two 11 floaters. So, obviously, that's four people. 12 If it's in the middle of the winter you don't 13 need all those people. So, they would actually 14 be able to do something else above and beyond 15 that would need to be done. You know, arts and 16 crafts or anything in the facility.</p> <p>17 Q. Okay. I understand that.</p> <p>18 And while you were there did you 19 ever, you know, supervise any of those 20 activities?</p> <p>21 A. Yeah. Yes.</p> <p>22 Q. Okay. And then turning to the 23 positions on the B floor, you had mentioned 24 earlier that you -- hold on -- your</p>	<p style="text-align: right;">Page 48</p> <p>1 back there and watch TV when all the residents 2 are all up in the front. So, I mean, yeah, you 3 would be monitoring the hallways and monitoring 4 the common area. That's where everybody is at. 5 That's where you want to be. That's what your 6 job is.</p> <p>7 Q. So, it sounds like you just said 8 where the residents were would be the area where 9 you should be focusing your attention in terms 10 of your job duties?</p> <p>11 A. Right, but then as soon as one 12 person goes back to B2, then you would have to 13 go back, you know, and you can see visually 14 everything. I mean, it's not like you are in a 15 dark room. You can see down to the common area. 16 You can see -- you can see both areas clearly.</p> <p>17 Q. And you said if one person -- I 18 think you started to say when one person would 19 go somewhere what was your responsibility?</p> <p>20 A. For B2 or what was my -- for B2?</p> <p>21 Q. Yes, when you worked B2.</p> <p>22 A. If somebody would go back in that 23 back area, if residents would go back in that 24 back area and sit down and watch TV, the</p>

<p style="text-align: right;">Page 49</p> <p>1 responsibility of the staff was to go back and 2 monitor those residents. I mean, not like be on 3 top of them, but you want to sit there so you 4 can visually see them.</p> <p>5 Q. Okay.</p> <p>6 - - -</p> <p>7 (Whereupon, there was an 8 off-the-record discussion.)</p> <p>9 - - -</p> <p>10 BY MS. YEH:</p> <p>11 Q. I apologize.</p> <p>12 A. Okay.</p> <p>13 Q. When you were working at the Berks 14 County residential facility you had mentioned 15 earlier that there would be mealtimes. What 16 were your job responsibilities during the times 17 when the residents were eating meals?</p> <p>18 A. Monitor the residents.</p> <p>19 Q. Okay. And did the residents all 20 meet in the cafeteria for mealtime?</p> <p>21 A. Yes, unless there was some kind of 22 medical issue or something like that but, I 23 mean, yeah. Yes.</p> <p>24 Q. And when the residents or the</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Usually spread out.</p> <p>2 Q. Okay. You had mentioned that you 3 would get a set of keys.</p> <p>4 A. Uh-huh.</p> <p>5 Q. Generally, I assume that means 6 that some doors could be locked and some doors 7 were not locked in the facility?</p> <p>8 A. I don't understand.</p> <p>9 Q. What were the keys for?</p> <p>10 A. For doors.</p> <p>11 Q. Yes. And doors at the facility, 12 at the Berks County Residential Center?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What areas were locked?</p> <p>15 What areas required those keys that you received 16 at the start of your shift?</p> <p>17 A. The laundry area, anything where 18 there was like hazardous chemicals, the staff 19 bathrooms, the cafeteria door. I'm not -- it's 20 been awhile since -- I mean, that's some of the 21 areas. I'm not sure what else.</p> <p>22 Q. Okay.</p> <p>23 A. That's mainly what I used them 24 for. I don't know what else. The laundry and</p>
<p style="text-align: right;">Page 50</p> <p>1 detainees had their meals, did you also -- or 2 did staff also eat their meals at that same 3 time?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And how about you? Did you 6 also eat your meals when the residents ate their 7 meals?</p> <p>8 A. Yes.</p> <p>9 Q. And where did you eat your meals 10 in terms of the physical location?</p> <p>11 A. In the cafeteria area.</p> <p>12 Q. Okay. As opposed to like some 13 facilities have separate staff rooms for staff 14 to eat. So, that's why I'm asking you.</p> <p>15 A. Oh, no. Our job is to monitor the 16 residents. So, if we were in a different room 17 we wouldn't be able to do that. So, we kind of 18 had chairs and stuff like that or we would sit 19 at the tables with the residents.</p> <p>20 Q. Okay. And during that time how 21 would the staff be seated? For example, would 22 they all be in one specific area eating together 23 or would you be spread out through the 24 cafeteria?</p>	<p style="text-align: right;">Page 52</p> <p>1 chemicals and I'm not sure.</p> <p>2 Q. So, you mentioned the laundry had 3 a key. The laundry room had a key or --</p> <p>4 A. I mean, some of the keys were 5 universal. It wasn't like a laundry key. It 6 didn't say laundry on it, if it was like the, 7 you know, the 72 key. The 72 key might open up 8 three door knobs in the facility.</p> <p>9 Q. Okay.</p> <p>10 A. It might open up that one as well 11 as one downstairs. So, it's not like -- you 12 know, if you were outside, I guess you 13 wouldn't -- sometimes -- some of the sets of 14 keys didn't have all the same keys on them, but 15 I don't know. It could have changed ten times 16 since I was there, so I don't know.</p> <p>17 Q. No, I understand. So, what you 18 are saying some keys could open different, 19 multiple doors?</p> <p>20 A. Right. Not every door had its own 21 lock -- or its own key to the door.</p> <p>22 Q. And you had also mentioned the 23 hazardous chemicals. Where were those located?</p> <p>24 A. They were located in the laundry</p>

<p style="text-align: right;">Page 53</p> <p>1 area and in the -- where the cleaning stuff was. 2 Q. And you also mentioned the staff 3 bathrooms required a key and the cafeteria door 4 had a key? 5 A. Yes. 6 Q. Anything else that had a key, if 7 you remember? 8 A. No, I don't. 9 Q. Okay. That's fine. 10 And did the Berks County 11 Residential Center also have cameras located 12 through the facility? 13 A. Yes. 14 Q. Okay. And where were those 15 cameras located? 16 A. All over the place. 17 Q. Can you describe what locations 18 the cameras were located in, if you remember? 19 A. I don't know exactly where they 20 are at but, I mean, I've never been in the 21 camera room or anything like that. So, I mean, 22 I know there's -- they got to be in the hallways 23 and the common areas. 24 Q. Okay. What about the dayrooms,</p>	<p style="text-align: right;">Page 55</p> <p>1 to do that. 2 Q. Okay. What about the residents' 3 rooms, did those have cameras? 4 A. No. 5 Q. And what about the laundry room, 6 did that have a camera? 7 A. No. 8 Q. And what about the administrative 9 areas, if you know, did those areas have 10 cameras? 11 A. I don't know if there's cameras 12 down there or not. 13 Q. Okay. And what about the showers, 14 did those areas have cameras? 15 A. The showers, you mean like the 16 staff -- the resident bathrooms? 17 Q. Why don't you describe to me in 18 terms of bathroom facilities, were there 19 bathrooms in the residents' rooms? 20 A. Yes. 21 Q. And what was included in that 22 bathroom? 23 A. Toilet, a sink. 24 Q. Was there a shower in that room?</p>
<p style="text-align: right;">Page 54</p> <p>1 did those have cameras? 2 A. That's what I mean by common 3 areas. Those are like the common areas. 4 Q. Okay. And what about the 5 cafeteria? 6 A. I don't recall. Oh, yeah, it did. 7 Yes. 8 Q. Okay. What about the different 9 activity rooms that were there? 10 A. I don't know. 11 Q. Okay. Were there areas that did 12 not have cameras? 13 A. I think the medical area didn't 14 have cameras. 15 Q. Okay. And where else? 16 A. You mean like a specific room or 17 like an area? 18 Q. Yes, either. 19 A. I don't know. I don't know 20 exactly where all the cameras were. I can't 21 recall that. I never -- 22 Q. Okay. For example, did the 23 bathrooms have cameras? 24 A. No, I don't think you are allowed</p>	<p style="text-align: right;">Page 56</p> <p>1 A. There was not. 2 Q. So, where were the showers 3 located? 4 A. I believe there is some on both. 5 No, they are downstairs on the bottom floor. 6 Are we going bottom/top? Bottom floor, A1 area. 7 Q. And were there cameras in those 8 areas, the showers, where the showers were 9 located? 10 A. You mean inside or outside? I 11 don't know. I would assume there is one 12 pointing -- I know there has to be one pointing 13 down the hallway. I'm sure there is. I don't 14 think there is one inside the bathroom, no. 15 Q. Okay. All right. 16 A. We weren't responsible for showers 17 on my shift, so I'm not real -- too keen on how 18 that process works. 19 Q. That's fine. What shift would 20 that have occurred? 21 A. I think it happens on first shift 22 unless there's like intakes or stuff like that 23 where we have to do showers, then it was an 24 ordeal or if there was some kind of water</p>

<p style="text-align: right;">Page 57</p> <p>1 problem or something like that, but for the most 2 part -- or if they asked to get a shower. If I 3 recall like from playing soccer outside or 4 something like that, they were allowed to clean 5 up.</p> <p>6 Q. Okay. And while you were there 7 who were your supervisors?</p> <p>8 A. Just on my shift?</p> <p>9 Q. Sure.</p> <p>10 A. Well, I mean, they kind of rotated 11 around, so it was -- there's quite a few of 12 them.</p> <p>13 Q. Okay.</p> <p>14 A. My main ones were Jason Mills and 15 Len Kopetsky.</p> <p>16 Q. And did you also have other 17 supervisors?</p> <p>18 A. I did.</p> <p>19 Q. And who were they?</p> <p>20 A. Jason Corby, Brandon Witmer, Sandy 21 Schlessman. I don't remember all their names. 22 Tom Moyer. I'm forgetting like two or three of 23 them, but --</p> <p>24 Q. Okay. That's fine. And did you</p>	<p style="text-align: right;">Page 59</p> <p>1 interested in doing. You know, I would usually 2 volunteer.</p> <p>3 Q. And how much contact did you have 4 with the supervisors during the day?</p> <p>5 A. All of them as a whole or just 6 individually which ones? Or you just mean like 7 in general?</p> <p>8 Q. Yes.</p> <p>9 A. Minimal.</p> <p>10 Q. And what about interactions with 11 other staff members? How often did you interact 12 with them while you were working your job post?</p> <p>13 A. A lot.</p> <p>14 Q. Okay. Can you describe when you 15 would need to interact with other staff members?</p> <p>16 A. Well, you are with each other for 17 eight hours. So, it's -- you know, sometimes 18 it's you are talking about the job, sometimes 19 you are just talking about -- just interacting 20 with them. So --</p> <p>21 Q. Okay. You said you are there for 22 eight hours and sometimes you are interacting 23 with them. What types of interactions would you 24 have to have during the day?</p>
<p style="text-align: right;">Page 58</p> <p>1 supervise anyone while you were there?</p> <p>2 A. Was I a supervisor?</p> <p>3 Q. In your capacity as a shelter care 4 counselor did you supervise any other staff 5 members?</p> <p>6 A. No.</p> <p>7 Q. Okay. And what was your 8 relationship with the supervisors I should say 9 in terms of your duties? Like you mentioned 10 earlier in the briefing room when you started 11 the supervisors would kind of tell you what you 12 need to do. What other things were communicated 13 between you and the supervisors during the day?</p> <p>14 A. I mean, if they needed help with 15 something, you know, I would -- you know, if 16 there was stuff on the outside of the facility 17 that had to get done, you know, we would help 18 out. And, I mean, it was more of a facility 19 need or something like that. You know, if we 20 were mulching or picking up sticks or raking 21 leaves, you know, we would ask for volunteers 22 and, you know, if they wanted me to help, I 23 would go outside and help. A supervisor would 24 ask you if it would be something you would be</p>	<p style="text-align: right;">Page 60</p> <p>1 A. You don't have to have any of 2 them, I guess. I mean -- I don't understand the 3 question.</p> <p>4 Q. Just trying to get a sense because 5 sometimes you had -- there were two -- at least 6 here it says B1, B2, it would be two people on 7 the same floor.</p> <p>8 A. Right.</p> <p>9 Q. So, for example, let's say you 10 were on the same floor, how often would you need 11 to interact with your staff members to insure 12 that your job would get done?</p> <p>13 A. You would probably interact with 14 that person the most about your eight-hour shift 15 just so you are on the same page with them.</p> <p>16 Q. Okay. And just going back to the 17 supervisors, where were the supervisors usually 18 located during the day?</p> <p>19 A. Where was their office at or where 20 would they be at?</p> <p>21 Q. Where would they be?</p> <p>22 A. To be honest, most of the time 23 they are in their office, you know, and then 24 they would come out and -- you know, depending</p>

<p style="text-align: right;">Page 61</p> <p>1 on which supervisor it was. Some were a little 2 more on the floor or, you know, on the floor, so 3 to speak, than others.</p> <p>4 Q. Okay.</p> <p>5 A. Some just showed their face for 6 ten minutes in an eight-hour period.</p> <p>7 Q. Okay.</p> <p>8 A. Depends on which supervisor it 9 was.</p> <p>10 Q. Sure. And do you recall which 11 supervisors tended to be more on the floor and 12 which ones less so?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. So, can you tell me?</p> <p>15 A. Tell you which ones were more on 16 the floor?</p> <p>17 Q. Yes.</p> <p>18 A. Our supervisors were pretty good, 19 but some of the other ones -- you know -- 20 actually, you know what, I don't -- I don't 21 understand that question. I don't really want 22 to answer that question.</p> <p>23 Q. Okay. Were there ever times when 24 the residential center was short staffed?</p>	<p style="text-align: right;">Page 63</p> <p>1 That's not my -- that wasn't my job.</p> <p>2 Q. Sure. That's fine.</p> <p>3 While you were there, you know the 4 detainees who live there came from other 5 countries; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And generally what language -- if 8 there was one, was there individuals that 9 spoke -- were there most people who spoke a 10 particular language?</p> <p>11 MR. CONNELL: Object to the form 12 of the question.</p> <p>13 BY MS. YEH:</p> <p>14 Q. Maybe I will just make a -- did 15 most of the residents when you were there speak 16 Spanish?</p> <p>17 A. 98 percent would speak some 18 dialect of Spanish, yes.</p> <p>19 Q. And did they also speak English?</p> <p>20 A. Yes.</p> <p>21 Q. Were you able to communicate or 22 kind of have conversations with them in English?</p> <p>23 A. Some more than others.</p> <p>24 Q. And so you say some more than</p>
<p style="text-align: right;">Page 62</p> <p>1 A. I'm not -- I don't get that 2 information, so I don't know. I'm assuming as 3 long as these -- as long as these are all filled 4 out, I always assume that we were -- we were 5 staffed.</p> <p>6 Q. Okay. And what if someone --</p> <p>7 MR. CONNELL: Sorry. Can we --</p> <p>8 just for the record, when you say these, what 9 are you referring to?</p> <p>10 THE WITNESS: Oh, this docket --</p> <p>11 the second shift assignment sheet.</p> <p>12 MR. CONNELL: He's referring to</p> <p>13 Berks County 19. I just want to make sure the 14 record is clear when he says these. Thank you, 15 sir.</p> <p>16 BY MS. YEH:</p> <p>17 Q. And if someone called out sick do 18 you know how that was handled?</p> <p>19 A. I don't. That's the supervisor's 20 job to figure all that stuff out. That's not 21 mine. They would come down here and cross off 22 and, you know, just like there is a name here 23 crossed off on here on the assignment sheet. 24 You know, they would adjust it as needed.</p>	<p style="text-align: right;">Page 64</p> <p>1 others. In terms of you said 98 percent of 2 those individuals speak Spanish. If you know, 3 how many of those were you able to have 4 conversations with them in English?</p> <p>5 A. I don't know, because I didn't 6 speak to everybody that was there. So, I don't 7 know the answer to that question.</p> <p>8 Q. Okay.</p> <p>9 A. I know being in a classroom I know 10 a lot of them spoke English, but I never had 11 personal conversations with everybody in the 12 facility.</p> <p>13 Q. Sure. Sure.</p> <p>14 And do you speak Spanish?</p> <p>15 A. No, I don't.</p> <p>16 Q. And so did you have individuals 17 who did not speak English that you had to 18 monitor or supervise?</p> <p>19 A. Yes.</p> <p>20 Q. And so, for those individuals, how 21 did you communicate with them?</p> <p>22 A. We had people that are on staff 23 that spoke Spanish. I mean, I knew -- I know 24 some Spanish, but some people know more than</p>

<p style="text-align: right;">Page 65</p> <p>1 other people. Some are fluent, some -- some are 2 just better at speaking it than others or, you 3 know, understanding what they are trying to say. 4 Q. And do you remember how many other 5 staff members spoke Spanish? 6 A. The only way -- I know Brittany 7 spoke fluent. She was one of the go-tos. 8 Q. Any other names on that -- and 9 we're referring to Berks County 19. Any other 10 staff there that were fluent in Spanish? 11 A. That were fluent in Spanish? 12 Q. Yes. 13 A. The only one that I recall that 14 were fluent would be -- is Brittany. The rest 15 of them -- I'm looking at some of the names, and 16 some of them were better than me and, you know, 17 could get the job done or understand what they 18 were saying, and some of them on the list I 19 don't think knew any Spanish. 20 Q. Okay. And you say Brittany was a 21 go-to. Were there any other staff that you 22 could go to to help with any translation or 23 interpretation to Spanish? 24 A. Yeah. There was some other --</p>	<p style="text-align: right;">Page 67</p> <p>1 portable cell phone? 2 A. It was a physical phone. 3 Q. And where is that phone located? 4 A. Downstairs on the A -- A floor or 5 the lower floor. 6 Q. Okay. And were there any other 7 ways that you would use to communicate with the 8 residents who spoke Spanish? 9 A. Yeah. In the computer room there 10 was a translator program on there you could use 11 or -- 12 Q. And where was the computer room 13 located? 14 A. At the time it was -- it was on A 15 floor. 16 Q. Okay. 17 A. Or the lower floor. 18 Q. Okay. The lower floor. And was 19 that room just computers or was that a room also 20 used for other activities? 21 A. I believe there was books in 22 there, as well. It was kind of a library type 23 area. 24 Q. Okay. And was there any other</p>
<p style="text-align: right;">Page 66</p> <p>1 most of the females spoke -- I think this is 2 Jen, Jen Ermler, she could speak it. Not 3 fluent, but -- I mean, most of the females on 4 this, Jen, Erika, Jamie, Lacy knew some. I 5 mean, there was random -- there was always 6 somebody on the shift that you could direct them 7 to or ask for help, you know. 8 Q. Okay. And if those individuals 9 were not -- so, did you ever rely on them to 10 help interpret or translate for you to 11 communicate with a resident? 12 A. Yeah. 13 Q. Okay. And if those individuals 14 were not available and you needed to communicate 15 with a resident, what would you do? 16 A. Well, we had -- we had a 17 translator, you know, phone numbers we could 18 call or we would ask another resident, you know, 19 what are they saying or what do they need or 20 whatever -- whatever the case may be, instead of 21 going, you know, doing the whole, you know, the 22 translator, you know, on the phone. 23 Q. And when you say the phone, was 24 that a physical phone or was that like a</p>	<p style="text-align: right;">Page 68</p> <p>1 location where there were computers where you 2 could utilize this program from what you 3 remember? 4 A. No. I didn't -- I didn't 5 really -- that was the only computers we would 6 have access to, so it wasn't -- they were in -- 7 they were in that area. 8 Q. Okay. I'm going to ask you about 9 the training that you received. 10 A. Okay. 11 Q. When you started specifically at 12 the Berks County Residential Center did you 13 receive training? 14 A. Yes. 15 Q. Okay. And, just to clarify, when 16 you started at the -- let's see what you called 17 it, I believe the juvenile detention center, is 18 that what you called it? 19 A. Berks County, yeah. 20 Q. Juvenile detention center? Did 21 you also receive training when you started that 22 position? 23 A. Yes. 24 Q. So, when you started at the</p>

<p style="text-align: right;">Page 69</p> <p>1 juvenile detention center you received training 2 and then, just to clarify, when you started at 3 the Berks County Residential Center you also 4 received training at that point in time?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Do you recall what training 7 you received?</p> <p>8 A. I mean, it was over the course of, 9 I believe, three days -- three to four days. 10 It's a lot of stuff. I mean, I don't recall 11 every -- I could tell you little bits and pieces 12 of it, but, I mean, there's a lot. I mean, the 13 books are like -- they are pretty thick.</p> <p>14 Q. I understand it was awhile ago and 15 you might not remember all the details.</p> <p>16 Do you remember receiving any 17 training on the code of ethics?</p> <p>18 A. I don't, no.</p> <p>19 Q. Okay. Do you know if -- do you 20 remember ever receiving a copy of the code of 21 ethics?</p> <p>22 A. I don't remember, no.</p> <p>23 - - -</p> <p>24 (Whereupon, a short recess</p>	<p style="text-align: right;">Page 71</p> <p>1 MR. CONNELL: I'm sorry. Can we 2 stay off the record for a second. 3 - - - 4 (Whereupon, there was an 5 off-the-record discussion.) 6 - - - 7 BY MS. YEH:</p> <p>8 Q. Mr. Sharkey, we're just going to 9 proceed on, and before I get to this exhibit, I 10 just had a couple follow-up questions from some 11 earlier testimony you had given. You had noted 12 that after your work or that from your work at 13 the juvenile detention center I believe you had 14 used the terms that you were laid off?</p> <p>15 A. Well, their facility closed.</p> <p>16 Q. So, I just wanted to clarify that 17 point. Were you laid off because there were no 18 more positions available?</p> <p>19 A. The facility closed.</p> <p>20 Q. Okay. So, the facility closed?</p> <p>21 A. Like they stopped funding the 22 facility.</p> <p>23 Q. I understand. So, therefore, 24 there were no more juvenile --</p>
<p style="text-align: right;">Page 70</p> <p>1 occurred.) 2 - - - 3 (Whereupon, the document was marked 4 as Berks County 50 for identification.) 5 - - - 6 BY MS. YEH: 7 Q. Mr. Sharkey -- 8 A. Yes. 9 Q. -- I believe you made a request to 10 the other attorneys whether or not your wife 11 could you present during the deposition, and for 12 the rules of the deposition under the Federal 13 Rules of Civil Procedure people who are parties 14 in the case are permitted to sit in, as people 15 who are either the plaintiff or the defendant, 16 people bringing a lawsuit or people defending a 17 lawsuit. 18 A. Uh-huh. 19 Q. But people who are witnesses or 20 otherwise outside those parties are generally 21 not permitted, and so my preference is that we 22 keep the deposition to the individuals who are 23 parties to the lawsuit. 24 A. Okay. Let me just text her no.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Everybody lost their job. Well, 2 not everybody, but there was no more employment 3 in that building.</p> <p>4 MR. CONNELL: I'm sorry. That was 5 with regards to the youth center?</p> <p>6 MS. YEH: Yes. Correct.</p> <p>7 MR. CONNELL: Thank you.</p> <p>8 BY MS. YEH: 9 Q. Okay. Okay. So, I'm now going to 10 ask you to look at the document that is in front 11 of you. 12 A. Uh-huh. 13 Q. And we have marked that Berks 14 County 50. Just the top line, for the record, 15 it says Topic Area: Code of Ethics. And you 16 can take some time to review the document. 17 Would you like to look at it? 18 A. Not really. 19 Q. And have you seen this document 20 before? 21 A. I mean, not -- not specific. No, 22 I haven't. I mean, not since I was probably 23 working there and read it or whatever. 24 Q. And did you see this document when</p>

<p style="text-align: right;">Page 73</p> <p>1 you were working there, if you remember?</p> <p>2 A. I don't remember.</p> <p>3 Q. Okay. If you could turn to the</p> <p>4 second page. There are two signatures on the</p> <p>5 bottom. Are either of those your signature?</p> <p>6 A. Yes. The employee's signature is</p> <p>7 mine.</p> <p>8 Q. Okay. If you signed that does it</p> <p>9 indicate that at some point you received a copy</p> <p>10 of this document?</p> <p>11 A. I don't think it signifies I</p> <p>12 received it. I think it just signifies that I</p> <p>13 signed it.</p> <p>14 Q. Okay. And you -- and when you</p> <p>15 signed it, can I say that you at least signed</p> <p>16 that signature on that page would have had the</p> <p>17 other paragraphs on that page?</p> <p>18 A. I'm not sure if I quite understand</p> <p>19 that question, either.</p> <p>20 Q. So, you signed this document?</p> <p>21 A. Yes.</p> <p>22 Q. And that is your signature?</p> <p>23 A. Yes, it is.</p> <p>24 Q. Okay. And do you recall receiving</p>	<p style="text-align: right;">Page 75</p> <p>1 supervisor or any supervisor?</p> <p>2 A. I mean, that's -- if it was</p> <p>3 outside of my scope of what I'm responsible for,</p> <p>4 then I would go to the next -- to the</p> <p>5 supervisor.</p> <p>6 Q. And you said typically you would</p> <p>7 go to the supervisor on your shift?</p> <p>8 A. Right, depending on if -- you</p> <p>9 know, they rotated weekends and stuff like. So,</p> <p>10 depending on, you know, who was there.</p> <p>11 Q. Okay. All right. Do you remember</p> <p>12 during your training process whether you</p> <p>13 received any training on sexual abuse or sexual</p> <p>14 harassment?</p> <p>15 A. Vaguely.</p> <p>16 Q. Okay. And do you recall if -- you</p> <p>17 said vaguely. Did you receive that training at</p> <p>18 the start of your employment at the Berks County</p> <p>19 Residential Center?</p> <p>20 A. When they -- when they give you --</p> <p>21 my training consisted of them handing me a</p> <p>22 binder with all these documents in it and me</p> <p>23 going through them and signing them.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 74</p> <p>1 any training regarding this document?</p> <p>2 A. I don't, no.</p> <p>3 Q. Okay. Do you recall receiving any</p> <p>4 training with regards to who you would talk to</p> <p>5 or report to if something occurred on your</p> <p>6 shift? Like who would you need to go to?</p> <p>7 A. Did you mean like -- you mean was</p> <p>8 I trained on that? I don't think I -- I mean,</p> <p>9 you knew you would go to a supervisor. I think</p> <p>10 that's a known. I don't know if that's a formal</p> <p>11 training for that.</p> <p>12 Q. Okay. So, whether you received</p> <p>13 formal training on it or not, you knew if there</p> <p>14 was an issue you would go to your supervisor?</p> <p>15 A. Yes.</p> <p>16 Q. You had mentioned a number of</p> <p>17 supervisors. So, I just wanted to see was there</p> <p>18 a particular supervisor you went to?</p> <p>19 A. The ones that were working on my</p> <p>20 shift usually.</p> <p>21 Q. Okay. And did it matter which one</p> <p>22 you could go to?</p> <p>23 A. No.</p> <p>24 Q. You could report or talk to either</p>	<p style="text-align: right;">Page 76</p> <p>1 A. So, I'm not sure if this one or</p> <p>2 the sexual harassment one or, you know, the</p> <p>3 other ones are in that binder. I mean, some of</p> <p>4 them I just would flip through them and just</p> <p>5 sign them.</p> <p>6 Q. Okay.</p> <p>7 A. It wasn't a formal -- they didn't</p> <p>8 go through each and every single topic area.</p> <p>9 Q. Okay. Do you remember if you</p> <p>10 attended any workshops or panels during your</p> <p>11 training period?</p> <p>12 A. Workshops, you mean like above and</p> <p>13 beyond type training?</p> <p>14 Q. Well, during the training when you</p> <p>15 first started did you have any training where</p> <p>16 someone was like in a room and spoke to you?</p> <p>17 A. Yeah. It would be my supervisors.</p> <p>18 Q. Okay. Do you remember if you</p> <p>19 received any training relating to reporting of</p> <p>20 any sexual abuse or sexual harassment, if you</p> <p>21 remember?</p> <p>22 A. I don't remember.</p> <p>23 Q. Okay. Do you remember if you</p> <p>24 received any classroom training on sexual abuse</p>

<p style="text-align: right;">Page 77</p> <p>1 or sexual harassment?</p> <p>2 A. What do you mean by classroom?</p> <p>3 Q. Where people would be -- where you</p> <p>4 might be in a room and someone was at the room</p> <p>5 teaching a class?</p> <p>6 A. When I got hired back there it was</p> <p>7 just me and a supervisor going over these</p> <p>8 documents, you know, this binder, the training</p> <p>9 that's --</p> <p>10 Q. Okay.</p> <p>11 A. I don't know if -- you know, which</p> <p>12 one was -- you know, which ones they went over.</p> <p>13 Like I said, a lot of times -- not a lot. There</p> <p>14 was a bit of time where I was in that room by</p> <p>15 myself just signing papers --</p> <p>16 Q. Okay.</p> <p>17 A. -- and memos and that kind of</p> <p>18 stuff because it was -- it was a lengthy</p> <p>19 process.</p> <p>20 Q. And you said you were in a room</p> <p>21 with a supervisor. Do you happen to remember</p> <p>22 who that was?</p> <p>23 A. Jason Mills and Len and Corby.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 79</p> <p>1 A. I don't know the exact day, no.</p> <p>2 Q. And, as you know, this lawsuit</p> <p>3 relates to interactions that you may have had</p> <p>4 with her while you were working there at the</p> <p>5 Berks County Residential Center; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Can you describe to me if</p> <p>9 you remember what interactions you had with her</p> <p>10 earlier on when you first remember her?</p> <p>11 MR. CONNELL: Object to the form</p> <p>12 of that question. You can answer.</p> <p>13 THE WITNESS: I don't really</p> <p>14 recall. I don't know. Like you mean like how</p> <p>15 we were introduced to each other or how like --</p> <p>16 BY MS. YEH:</p> <p>17 Q. Uh-huh.</p> <p>18 A. I don't -- I don't recall.</p> <p>19 Q. Okay. Well --</p> <p>20 A. I mean, obviously, I was a staff</p> <p>21 member and, you know, I believe her and Patricia</p> <p>22 and Maria, they came to me at one point during</p> <p>23 the early time they were there and began</p> <p>24 speaking with me.</p>
<p style="text-align: right;">Page 78</p> <p>1 A. Those are the three I remember.</p> <p>2 Q. Okay. And were all three of those</p> <p>3 in the room with you when you did this process?</p> <p>4 A. No. It was usually just</p> <p>5 one-on-one.</p> <p>6 Q. And do you remember which one was</p> <p>7 there, if you remember?</p> <p>8 A. All three of them.</p> <p>9 Q. All three of them were there?</p> <p>10 A. But like different days. Like if</p> <p>11 I was training on such like one -- I don't know.</p> <p>12 Q. One at a time, but it was --</p> <p>13 A. They would just take turns.</p> <p>14 Q. I understand. They take turns?</p> <p>15 So, you said Jason Mills, Jason</p> <p>16 Corby?</p> <p>17 A. Jason Corby and Len Kopetsky.</p> <p>18 Q. Okay. All right. So, I'm now</p> <p>19 going to ask you some questions relating to</p> <p>20 [REDACTED] E.D. And do you remember who</p> <p>21 [REDACTED] E.D. is?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And do you remember when you first</p> <p>24 met her?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay. Why don't you describe</p> <p>2 that. Do you remember that?</p> <p>3 A. I don't -- I don't remember that</p> <p>4 incident, no.</p> <p>5 Q. Okay. Well, what else do you</p> <p>6 remember about [REDACTED] E.D. ?</p> <p>7 A. Meaning?</p> <p>8 Q. From your time as a staff member</p> <p>9 when she was a resident or detainee there?</p> <p>10 A. What else do I remember about her?</p> <p>11 Q. Yes.</p> <p>12 A. You just mean like with my</p> <p>13 interactions?</p> <p>14 Q. Sure.</p> <p>15 A. I guess we first started talking</p> <p>16 and then, obviously, the whole thing snowballed</p> <p>17 out of control, but, you know, it was -- it was</p> <p>18 a facility joke that she was my girlfriend. She</p> <p>19 used to get herself done up on first shift by</p> <p>20 doing her hair and putting on special clothes,</p> <p>21 and she would come to my post where I was and</p> <p>22 stay by my side for hours at a time, and -- and</p> <p>23 it wasn't -- it was a cordial -- it wasn't a</p> <p>24 relationship. You know, it wasn't -- it</p>

<p>1 wasn't -- and we got along.</p> <p>2 Q. Okay. When you said facility</p> <p>3 joke, what do you mean by that?</p> <p>4 A. I think people just knew that she</p> <p>5 was -- what she was doing. I think that she</p> <p>6 knew that -- you know, like, I mean, when I</p> <p>7 would come in on second shift, I mean, it would</p> <p>8 smell like perfume and she was straightening her</p> <p>9 hair and so I think the residents and the staff</p> <p>10 and -- I think they knew that she was doing that</p> <p>11 all for -- for me. Ended up, you know, over the</p> <p>12 course of a couple weeks that eventually they</p> <p>13 were like, oh, well, that's for Dan. She is</p> <p>14 getting dressed up for Dan. She is putting</p> <p>15 makeup on for Dan. She would look totally</p> <p>16 different.</p> <p>17 Q. From the time in the morning until</p> <p>18 the time you arrived on shift?</p> <p>19 A. That's what I was told, because</p> <p>20 I'm not there on first shift. I just know when</p> <p>21 I would get there she would be -- and then</p> <p>22 people would say -- the residents would tell me</p> <p>23 that she looks totally different in the morning</p> <p>24 hours or whatever.</p>	<p>Page 81</p>	<p>1 A. When she was first there I think</p> <p>2 that's where she -- that's where she was, but I</p> <p>3 think, you know, of course, over time, you know,</p> <p>4 she got comfortable moving around the facility.</p> <p>5 But she would definitely come to where I was at.</p> <p>6 So, it wasn't -- you know, it wasn't a secret to</p> <p>7 that.</p> <p>8 Q. Okay. What other interactions did</p> <p>9 you have with her? Specifically you mention</p> <p>10 that during your shift she would often come and</p> <p>11 sit by your side. What else, if anything?</p> <p>12 A. When I say sit by my side, we're</p> <p>13 not sitting right next to each other. She would</p> <p>14 just be in the room area. Sometimes we would,</p> <p>15 but I don't know what you mean by other</p> <p>16 interactions. Can you be more specific with</p> <p>17 that?</p> <p>18 Q. Well, were there any other</p> <p>19 interactions?</p> <p>20 A. Do you mean like hugging and</p> <p>21 kissing and that kind of stuff or do you just</p> <p>22 mean like talking on --</p> <p>23 Q. Well, why don't we start with</p> <p>24 earlier on what types of interactions did you</p>	<p>Page 83</p>
<p>1 Q. Okay. And you had said that she</p> <p>2 would frequently stay by your side?</p> <p>3 A. She would come to my post wherever</p> <p>4 I was at.</p> <p>5 Q. Okay. And how long would she stay</p> <p>6 there for?</p> <p>7 A. Sometimes it was the whole shift.</p> <p>8 Q. And was it fairly obvious that she</p> <p>9 stayed by your side for the whole shift?</p> <p>10 MR. CONNELL: Object to that</p> <p>11 question, form of the question.</p> <p>12 THE WITNESS: Was it fairly</p> <p>13 obvious? I think it was obvious that she was in</p> <p>14 the same room or same area because she never</p> <p>15 would leave B floor, the upper floor until our</p> <p>16 relationship became, you know, bigger, and then</p> <p>17 she started following me downstairs, then she</p> <p>18 would come outside, which she was never really</p> <p>19 known for doing. She kind of kept to herself up</p> <p>20 on the top floor, up on the B floor.</p> <p>21 BY MS. YEH:</p> <p>22 Q. You said that -- it sounds like</p> <p>23 initially she would just stay on the B floor.</p> <p>24 Is that what you said?</p>	<p>Page 82</p>	<p>1 have with her?</p> <p>2 A. I don't know. It was more like --</p> <p>3 it was like a friend. It was like a friendship</p> <p>4 thing, and we would joke around about stuff,</p> <p>5 because one of people that she hung out with she</p> <p>6 would -- was one -- she could speak fluent</p> <p>7 English. So, it was -- you know, it was easier</p> <p>8 to talk to that group of people. So, that's the</p> <p>9 way it started off as.</p> <p>10 Q. And which person was that who</p> <p>11 spoke fluent English?</p> <p>12 A. Her name was Maria. I don't know</p> <p>13 her last name.</p> <p>14 Q. But do you remember her first name</p> <p>15 was Maria?</p> <p>16 A. Maria, yep.</p> <p>17 Q. Did you spend more time with</p> <p>18 E.D. than with other residents there?</p> <p>19 A. As time went on, yes. I really</p> <p>20 didn't have a choice if she is following me</p> <p>21 around the facility.</p> <p>22 Q. So, why don't you describe as time</p> <p>23 went on what happened?</p> <p>24 A. I don't -- I don't -- like do you</p>	<p>Page 84</p>

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1 want me to break it all down like when I went to
2 the supervisor and said something --

3 Q. Sure.

4 A. -- or when I --

5 Q. Sure.

6 A. I don't know the specific dates
7 and stuff. You know, I said something to --
8 there was one incident where I went down to --
9 Patricia, I believe, told me that they needed
10 soap in their -- in her room of her bathroom, in
11 her bathroom, and so I went because I had the
12 keys to that area to get soap and went down
13 there. Patricia left the area, which I thought.
14 I went into the room and went to replace the
15 soap and **E.D.** was hiding in the corner of
16 bathroom. She grabbed my arm. Patricia put her
17 weight on the door. I couldn't get out the
18 door. I eventually got out and went and told
19 Jason Mills, the supervisor.

20 Q. And what did you tell him, if you
21 remember?

22 A. I told him that they tried to hold
23 me in that room. I couldn't get out of the
24 room. I mean, Patricia was not a small girl,

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1 A. I told Len Kopetsky. Not about
2 that incident, but, I mean, I told him other
3 stuff, I told him another time. A separate
4 incident -- not an incident, but I pointed her
5 out to him that she was following me around the
6 facility.

7 Q. And what was his reaction?

8 A. I don't think -- I don't really
9 recall. He didn't really say too much. He was
10 just kind of like a whatever type of remark.

11 Q. And did you tell any other
12 supervisors?

13 A. Brandon Witmer.

14 Q. Okay. And do you remember his
15 response?

16 A. Yeah. He's really probably the
17 only one who really cared, but he said that --
18 he went through a whole protocol, you know, if
19 something happens, you know, this is what you
20 should do. And, if it happens again we're going
21 to have to take her into the translator room or
22 have, you know, a staff member speak with her
23 about the staff/resident relationship thing.
24 And I believe he said he was going to send an

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1 neither was **E.D.**. So, I mean, I just
2 couldn't. It was just me. So, eventually, I
3 did, but, you know, that was -- I told him what
4 happened, what I just told you.

5 Q. And what room was that?

6 A. It was -- I don't know the number
7 of the room. It was the last room on the left
8 if you are facing out.

9 Q. Was it like one of the dorm rooms
10 or resident rooms?

11 A. Yes.

12 Q. Was it Patricia's room?

13 A. Yes, it was at that time. I don't
14 know if she was moved then.

15 Q. Sure, I understand, but at that
16 time it was Patricia's?

17 A. At that time, yeah.

18 Q. Okay. After you told Jason Mills,
19 do you remember his response to you?

20 A. Yeah. I believe he -- I think he
21 laughed, chuckled. There was nothing really
22 after that.

23 Q. Okay. Did you tell any other
24 supervisors?

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1 e-mail out to the management, upper management.
2 Q. Okay. Now, you had just stated
3 that you told Jason Mills, Len Kopetsky and
4 Brandon Witmer. Did you write any reports or
5 informational reports about the incident?

6 A. I don't recall.

7 Q. Do you remember what order you
8 told them in? Like who you told first and then
9 next?

10 A. Len, Jason -- Len Kopetsky, Jason
11 Mills and then I think Brandon. I think. I'm
12 not sure if that's --

13 Q. Do you remember if they were -- in
14 terms of timing, were they the same day or over
15 the course of time?

16 A. It wasn't the same day.

17 Q. Do you remember if it was close
18 together in time the days that you told them?

19 A. Yeah, I think they were close. It
20 wasn't like over the course of, you know, two
21 plus weeks. It was maybe ten, 14 days at the
22 max.

23 Q. Did you tell Brandon that you had
24 also spoken to Jason and Len?

<p style="text-align: right;">Page 89</p> <p>1 A. I don't recall. 2 Q. So, after this incident where you 3 were in the resident's room and you said that 4 Patricia was holding the door -- 5 A. Uh-huh. 6 Q. -- can you describe any other 7 incidents that happened, if any, after that 8 between you and E.D. ? 9 A. Incidents similar to that? 10 Q. Yes. 11 A. The only one I really recall is 12 when I was entering the staff bathroom upstairs 13 back by the cafeteria she had pushed the door 14 behind me. 15 Q. And she is which person? 16 A. E.D., and came into the 17 bathroom. And Patricia and Maria were on the 18 outside. 19 Q. And what occurred inside the staff 20 bathroom? 21 A. This was like early on, so she was 22 just -- she always would say me besos, me besos. 23 So, she would always want me to kiss her. She 24 said it almost every day. So, that didn't</p>	<p style="text-align: right;">Page 91</p> <p>1 is downstairs. You know, on A floor, the bottom 2 floor. And the laundry room is up on B floor. 3 Q. Okay. And roughly, approximately, 4 where was that chemical room located? 5 A. Down by the supervisors' office. 6 Near it on A floor, on the bottom floor. 7 Q. Was it close to where the 8 administration offices are? 9 A. No. 10 Q. Okay. Where was the supervisors' 11 office? 12 A. I don't understand. 13 Q. You just said the chemical room 14 was near the supervisors' office? 15 A. Right, right. 16 Q. So -- 17 A. I mean, I can give you directions 18 how to get there. I don't know if it's on like 19 the west wing, east wing, whatever. I don't 20 know the direction, but I could tell you 21 that's -- I mean, it's a separate wing. So, 22 it's all the way down the end of one of the 23 wings. 24 Q. Okay. And what rooms were close</p>
<p style="text-align: right;">Page 90</p> <p>1 happen at that time. You know, eventually it 2 did happen, but not at that time from what I 3 recall. But they were the lookouts. Maria and 4 Patricia were her lookouts for anything that was 5 going on. So, if I entered a room, laundry 6 room, chemical room, she would come in, slam the 7 door behind and then they would knock on the 8 door or come in and say get out if a staff 9 member or supervisor or something was going to 10 go -- you know. 11 Q. Okay. And you had said eventually 12 it happened. What do you mean by that? 13 A. We had kissed and hugged as time 14 went on, you know, off camera. 15 Q. And when you say off camera, what 16 do you mean by that? 17 A. Wherever the cameras weren't. 18 Q. What were some of those locations? 19 A. The resident rooms, the laundry 20 rooms, the chemical rooms. 21 Q. And where were the chemical rooms? 22 Are they separate from the laundry room? 23 A. Yeah. The laundry room is 24 upstairs. The chemical room I'm speaking about</p>	<p style="text-align: right;">Page 92</p> <p>1 to that? For example, was it on the same 2 hallway as the church or -- 3 A. I think it was right across -- 4 right across the hall was the church. 5 Q. Okay. 6 MR. CONNELL: Can we clarify 7 what's across the hall from the church? 8 BY MS. YEH: 9 Q. Was it the chemical room that was 10 across? 11 A. No. The supervisors' office was 12 across. The chemical room was up maybe about 13 halfway up. 14 Q. Okay. I'm going to -- actually, 15 going to try to show you a map, but I realize 16 the one we have is marked. So, what we will do 17 is, unfortunately, counsel, I don't have extra 18 copies. 19 MR. CONNELL: That's fine. 20 MS. YEH: But I want to give him 21 clean copies. Is that okay? 22 MR. CONNELL: That's fine. As 23 long as whatever he is going to -- if you are 24 going to have him mark it, that that's the one</p>

<p style="text-align: right;">Page 93</p> <p>1 that gets attached to the transcript. 2 MS. YEH: Yes, exactly. 3 MR. CONNELL: So we can retain it 4 that way. 5 MS. YEH: So, we're going to mark 6 these two -- there are two maps, one for each 7 floor, and we are going to mark them with new 8 numbers.</p> <p>9 - - -</p> <p>10 (Whereupon, the maps were marked as 11 Berks County 51 and 52 for identification.)</p> <p>12 - - -</p> <p>13 BY MS. YEH:</p> <p>14 Q. So, we are marking 51 as A floor 15 and 52 is B floor. And let's just circulate 16 this to counsel so you can see that --</p> <p>17 MR. ARCHAMBEAULT: It's the same 18 map.</p> <p>19 MR. JONES: I'm sorry. 51 is B 20 floor?</p> <p>21 MS. YEH: 51 is A floor.</p> <p>22 MR. JONES: A floor.</p> <p>23 MS. YEH: Thank you.</p> <p>24 MR. CONNELL: I just want to match</p>	<p style="text-align: right;">Page 95</p> <p>1 generally? It might be that certain details may 2 be different.</p> <p>3 A. Yeah. I mean, the layout looks 4 the same. I don't know if any of the rooms have 5 changed.</p> <p>6 Q. Okay. Give me one minute. I'm 7 just going to get a red pen. So, I was just 8 asking you the location of the chemical closet.</p> <p>9 A. Uh-huh.</p> <p>10 Q. And also the supervisors' office.</p> <p>11 A. Uh-huh.</p> <p>12 Q. So, can you please mark from your 13 memory when you were working there where the 14 supervisors' office was.</p> <p>15 A. How do you want me to mark it?</p> <p>16 Just circle it?</p> <p>17 Q. You can circle it, yes.</p> <p>18 A. (Witness complies).</p> <p>19 Q. So, for the record, he just 20 circled 205.</p> <p>21 A. I don't know if this is it or not, 22 but I believe that's -- it's a small closet, 23 so --</p> <p>24 Q. And then he also circled 225. So,</p>
<p style="text-align: right;">Page 94</p> <p>1 up what has already been marked as an exhibit 2 yesterday so I can have at least something in 3 front of me. Thank you.</p> <p>4 MR. ARCHAMBEAULT: They are 33 and 5 32.</p> <p>6 MR. CONNELL: Yes. Thank you.</p> <p>7 BY MS. YEH:</p> <p>8 Q. So, I'm going to show you what's 9 been marked as Berks County 51. Have you ever 10 seen this before?</p> <p>11 A. This map?</p> <p>12 Q. Yes.</p> <p>13 A. Unless it's posted in the -- it 14 might be in the facility. I don't know. It 15 looks like -- I remember maybe a fire exit map 16 on the wall or something like that in the 17 facility.</p> <p>18 Q. By looking that this map do you 19 recognize the facility, Berks County Residential 20 Center from this map?</p> <p>21 A. I do.</p> <p>22 Q. So, does it reflect at least from 23 your memory the layout of the Berks County 24 Residential Center from when you worked there</p>	<p style="text-align: right;">Page 96</p> <p>1 when you circled 225, what room is that, at 2 least from your memory?</p> <p>3 A. I believe that's the area where 4 the chemicals and the cleaning products were 5 kept.</p> <p>6 Q. Okay. And then the 205 you were 7 circling was the supervisors' office?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. I'm also going to ask you 10 to look at Berks County 52. It's noted floor B, 11 bedrooms, room numbers, assignments. And it's 12 also a map. Had you seen this before?</p> <p>13 A. Same thing. Fire exits, fire plan 14 stuff. I have never -- that's the only time I 15 would have seen it, if it's posted. I think 16 it's posted up there, but I don't know.</p> <p>17 Vaguely.</p> <p>18 Q. Does it look like a representation 19 of the Berks County Residential Center?</p> <p>20 A. It does.</p> <p>21 Q. So, you had mentioned a room 22 previously about an incident where Patricia had 23 kept the door closed?</p> <p>24 A. Uh-huh. Yes.</p>

<p>1 Q. Can you identify that room?</p> <p>2 A. (Witness complies).</p> <p>3 Q. He just circled, it's marked 308</p> <p>4 and also said bedroom number 13.</p> <p>5 Okay. Thank you.</p> <p>6 MR. CONNELL: Do you mind if I</p> <p>7 just take a quick look at what he has marked?</p> <p>8 MS. YEH: Sure.</p> <p>9 MR. CONNELL: Okay. Thank you.</p> <p>10 I'm just going to look over his shoulder there</p> <p>11 for a second. Thank you.</p> <p>12 BY MS. YEH:</p> <p>13 Q. Do you remember at the time that</p> <p>14 you worked there where E.D. room was on this</p> <p>15 map?</p> <p>16 A. I would be guessing if I picked a</p> <p>17 room out. I know it's on the top. I know it's</p> <p>18 on B floor. I would say -- I would be guessing</p> <p>19 if I did. I don't know.</p> <p>20 Q. That's fine. Do you remember if</p> <p>21 it was close to Patricia's room?</p> <p>22 A. It is. I'm not sure if it's --</p> <p>23 it's definitely on this other side. I'm not</p> <p>24 sure which one it is on that side. I mean, 304</p>	Page 97	Page 99
<p>1 would be my guess, but I don't know.</p> <p>2 Q. That's fine.</p> <p>3 All right. So, you mention that</p> <p>4 you had -- I believe this is what you said and,</p> <p>5 if I'm wrong, feel free to correct me. That you</p> <p>6 had kissed in the laundry room and the chemical</p> <p>7 room. And were there any other rooms that</p> <p>8 occurred?</p> <p>9 A. The resident -- her room, the</p> <p>10 resident's room.</p> <p>11 Q. Was that Patricia's room?</p> <p>12 A. No, no.</p> <p>13 Q. E.D. room?</p> <p>14 A. Whatever room hers was on that</p> <p>15 side.</p> <p>16 Q. Can you -- and did anything ever</p> <p>17 happen in the staff bathroom?</p> <p>18 A. Upstairs or downstairs?</p> <p>19 Q. Either one?</p> <p>20 A. Well, I told you about the</p> <p>21 incident with the upstairs one. And then the</p> <p>22 downstairs one, that's where we had sexual</p> <p>23 intercourse.</p> <p>24 Q. Was that a staff bathroom or was</p>	Page 98	Page 100
<p>1 that a resident bathroom?</p> <p>2 A. That was a resident bathroom.</p> <p>3 Q. And can you mark that with a pen,</p> <p>4 please. If you are not sure, it's also fine for</p> <p>5 you to tell me you are not sure. If you're able</p> <p>6 to identify.</p> <p>7 A. I think it's just not labeled.</p> <p>8 It's in that -- it's in that area. It's not</p> <p>9 labeled, though. I don't remember there being a</p> <p>10 telephone. I guess that's a telephone room</p> <p>11 or -- I don't know. I'm assuming this is</p> <p>12 administration here. Internet bank. I don't</p> <p>13 know what that would be. I don't know. This</p> <p>14 doesn't look right to me, so I don't know.</p> <p>15 MR. CONNELL: He just crossed an X</p> <p>16 over the first circle that he drew over number</p> <p>17 53. Or, no, I can't tell if that's an S or --</p> <p>18 do you mind if I --</p> <p>19 THE WITNESS: It's an S and three.</p> <p>20 Yeah, go ahead.</p> <p>21 MR. CONNELL: It's an S and then</p> <p>22 three with a circle originally drawn around that</p> <p>23 he crossed out. Do you mind if I jump in just</p> <p>24 for a second since I'm here on that issue?</p> <p>1 MR. ARCHAMBEAULT: Yes.</p> <p>2 MR. CONNELL: When you crossed out</p> <p>3 your originally drawn circle are you taking back</p> <p>4 the testimony that that's the location of the</p> <p>5 bathroom? Is that the purpose?</p> <p>6 THE WITNESS: I am taking it back</p> <p>7 because it doesn't look like the way it was when</p> <p>8 I was there. Some of the other rooms look</p> <p>9 different to me for some reason. They look</p> <p>10 different. The bathroom is in that hallway.</p> <p>11 It's just not labeled on here.</p> <p>12 BY MS. YEH:</p> <p>13 Q. Why don't I just get a</p> <p>14 description, then, instead of identifying,</p> <p>15 because I understand it was a little while ago.</p> <p>16 Can you tell me where the bathroom was located?</p> <p>17 A. The bathroom --</p> <p>18 Q. Not specifically. You said it was</p> <p>19 in a hallway?</p> <p>20 A. Right, right.</p> <p>21 Q. Where did that hallway lead to?</p> <p>22 What was the hallway between?</p> <p>23 A. It connected the lower dayroom</p> <p>24 common area to the hallway that goes to where</p>	Page 100	Page 100

<p style="text-align: right;">Page 101</p> <p>1 management office is and to go to the outside. 2 Q. Okay. And who was permitted in 3 that hallway? 4 A. Everybody. 5 Q. Okay. And did people walk down 6 that hallway? 7 A. Yes. 8 Q. For example, did residents walk up 9 and down that hallway? 10 A. Yes. Everybody walked. Some 11 people ran. 12 Q. And did staff also walk down the 13 hallway? 14 A. Yes. 15 Q. So, can you describe -- you had 16 mentioned that there were incidents of kissing 17 and then you also now described an incident of 18 sexual intercourse in the bathroom. How many 19 times was there sexual intercourse? 20 A. Twice. 21 Q. And where was the second time 22 located? Or, actually, where were those two 23 incidents of sexual intercourse located, in the 24 same room or different rooms?</p>	<p style="text-align: right;">Page 103</p> <p>1 A. Can you say that again? I'm not 2 sure. 3 Q. Yeah. So, from the time you 4 initially started kissing -- 5 A. Yes. 6 Q. -- I guess how much time was there 7 between the first time that the two of you 8 kissed to the point of sexual intercourse? 9 A. I don't know. I don't know when 10 the first -- you know, I don't know when she got 11 there. So, I don't know the days. I would be 12 guessing if I said any of that. 13 Q. Okay. That's fine. 14 Were there any other interactions 15 that you had with E.D. before you had sexual 16 intercourse? 17 A. Besides the ones I said? 18 Q. Yes. 19 A. What do you mean? Like -- I mean, 20 I told you we were kissing and hugging. I mean, 21 I don't understand where you're going. 22 Q. You said you were kissing and 23 hugging. Did that happen more than once? 24 A. Yeah. It happened a lot.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. Am I doing maps or am I telling 2 you? What am I doing? 3 Q. Just tell me verbally. 4 A. It's upstairs on B floor. 5 Q. And where -- 6 A. In one of the resident rooms. 7 Q. Okay. Do you remember which room? 8 A. Patricia's. 9 Q. So, there was one incident in the 10 resident bathroom in A floor? 11 A. That would be in the first. 12 Q. That was the first time? 13 A. No. The first would be B in the 14 upper floor, and the second time was on the 15 lower floor. 16 Q. Were there any other incidents of 17 sexual intercourse? 18 A. No. 19 Q. Okay. You had originally 20 described times of when you hugged and kissed. 21 Did anything -- what were the interactions that 22 you had with E.D. between the times when you 23 initially kissed to the time that you had sexual 24 intercourse?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. So, do you remember how 2 long was that period of time were you hugging 3 and kissing before you had sexual intercourse? 4 A. I don't know what that period of 5 time is. 6 Q. Okay. Do you remember if it was, 7 you know, for example, like a week between 8 hugging/kissing to sexual intercourse or -- 9 A. No. It was probably a day. 10 Q. Okay. 11 A. I mean, it was every day. 12 Q. Okay. 13 A. I mean, it went on every day 14 pretty much. 15 Q. All right. And when you had 16 sexual intercourse in the bathroom on A floor, 17 do you recall if there was a staff member 18 stationed in the area where the door to the 19 outside is? 20 A. No, because there was -- residents 21 were outside, so that staff member was probably 22 outside. 23 Q. Were there any other staff members 24 at that end of the hallway inside the building?</p>

<p style="text-align: right;">Page 105</p> <p>1 A. Not that I'm aware of, no.</p> <p>2 Q. Were there any staff members on</p> <p>3 the other end of the hallway that was closer to</p> <p>4 the common area or the dayroom?</p> <p>5 MR. CONNELL: Are you asking him</p> <p>6 where staff members were when he was inside the</p> <p>7 bathroom engaged in sexual intercourse?</p> <p>8 MS. YEH: If he knows.</p> <p>9 MR. CONNELL: All right. I think</p> <p>10 it's clear or rather obvious but I'm going to</p> <p>11 state the obvious objection that it calls for</p> <p>12 speculation.</p> <p>13 MS. YEH: Sure.</p> <p>14 BY MS. YEH:</p> <p>15 Q. So, right before you went into the</p> <p>16 bathroom, if you remember, were there staff</p> <p>17 members stationed or in that area, maybe not</p> <p>18 stationed, anywhere else in the hallway?</p> <p>19 A. In the hallway?</p> <p>20 Q. Correct.</p> <p>21 A. No.</p> <p>22 Q. If you remember, just before you</p> <p>23 went into the bathroom were there any staff at</p> <p>24 the end of the hallway at all?</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. So, let me just clarify. Perhaps</p> <p>2 my question was also a little unclear. Did it</p> <p>3 happen in July of 2014?</p> <p>4 A. I don't know. I don't know what</p> <p>5 the dates were.</p> <p>6 Q. So, your no is you don't remember?</p> <p>7 A. I don't know what the dates were.</p> <p>8 I don't want to say yes and then -- I don't know</p> <p>9 what the dates were.</p> <p>10 Q. So, I'm going to ask you also, did</p> <p>11 it happen in August of 2014?</p> <p>12 A. Yes. I know the one time happened</p> <p>13 in August.</p> <p>14 Q. Do you remember the date of when</p> <p>15 it happened?</p> <p>16 A. I don't know the date.</p> <p>17 Q. Do you remember was it very early</p> <p>18 in August?</p> <p>19 A. It was in the middle.</p> <p>20 Q. Middle of August. Okay. So,</p> <p>21 this -- did this -- did both incidents of sexual</p> <p>22 intercourse happen after you had spoken to your</p> <p>23 supervisors?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 106</p> <p>1 A. Which end of the hallway?</p> <p>2 Q. The end of the hallway that's</p> <p>3 closer to the common area or dayroom?</p> <p>4 A. I don't remember seeing anybody</p> <p>5 there, no. That doesn't mean they're not down</p> <p>6 here --</p> <p>7 Q. Okay.</p> <p>8 A. -- in the common area on A floor.</p> <p>9 Q. Sure.</p> <p>10 Did you know if any staff members</p> <p>11 were aware that you went into the bathroom at</p> <p>12 that time, if you know?</p> <p>13 A. No.</p> <p>14 Q. After the incidents of -- let me</p> <p>15 back up. What was the period of time between</p> <p>16 the two times that you had sexual intercourse,</p> <p>17 if you remember?</p> <p>18 A. Days. Three, four days, maybe.</p> <p>19 Q. Do you recall those dates when</p> <p>20 those happened?</p> <p>21 A. No.</p> <p>22 Q. Do you remember if it was in July</p> <p>23 of 2014?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. After you spoke to your</p> <p>2 supervisors did any of them follow-up with you</p> <p>3 afterwards?</p> <p>4 A. No.</p> <p>5 Q. After the second time that you had</p> <p>6 sexual intercourse do you remember what</p> <p>7 interactions you had with E.D., if there were</p> <p>8 any?</p> <p>9 A. I never was in the facility again</p> <p>10 after that, so I didn't have any interaction</p> <p>11 with her at all.</p> <p>12 Q. Okay. So, after the second time</p> <p>13 of sexual intercourse you were no longer at the</p> <p>14 facility, is that what you just said?</p> <p>15 A. I mean, after that day, once I</p> <p>16 left, you know, at 10:30 at night I never went</p> <p>17 back to the facility.</p> <p>18 Q. Okay. Did E.D. speak English?</p> <p>19 A. She spoke a little bit of English,</p> <p>20 yes.</p> <p>21 Q. How did you communicate with her?</p> <p>22 A. Most of the time was with Maria,</p> <p>23 one of her friends there.</p> <p>24 Q. And would Maria help translate?</p>

<p style="text-align: right;">Page 109</p> <p>1 A. On occasions, yeah. 2 Q. Did you ever use -- you had 3 mentioned earlier there might be some computer 4 that had a translation program? 5 A. Uh-huh. 6 Q. Did you ever use those computers 7 to communicate with E.D. ? 8 A. Yes. 9 Q. Did you ever use like a cell phone 10 to help translate and communicate with E.D. ? 11 A. Yes. 12 Q. And whose cell phone was that? 13 A. Mine. 14 Q. And did E.D. ever use your cell 15 phone at other points in time? 16 A. Yes. 17 Q. And do you know what she used it 18 for? 19 A. She called her mom. 20 Q. And did she use the phone for 21 anything else? 22 A. Yeah. The one time she took my 23 phone and she went into her -- her or Patricia's 24 room and took photographs of herself. They are</p>	<p style="text-align: right;">Page 111</p> <p>1 Q. Did you ever give any gifts to her 2 son? 3 A. For him personally? 4 Q. Yes. 5 A. No. 6 Q. Did you give any gifts to her? 7 A. No. 8 Q. Did you ever give her any 9 photographs? 10 A. Not that I recall, no. 11 Q. Did you ever give her a ring? 12 A. I showed her the ring and Patricia 13 took it out of my hand. 14 Q. And what happened after that? 15 A. I don't know. Never saw it again. 16 Q. I'm just going to turn your 17 attention to Berks County 43. You just talked 18 about a ring, and before you is a picture Berks 19 County 43 which is a picture of a ring. 20 A. Uh-huh. 21 Q. Do you recognize this ring in the 22 photo and what is it? 23 A. It's a ring. 24 Q. And how do you recognize the ring?</p>
<p style="text-align: right;">Page 110</p> <p>1 on my phone. 2 Q. Okay. And did you make that 3 request that she do that? 4 A. No. 5 Q. Did she communicate to you that 6 she was going to do that? 7 A. No. 8 Q. How long did she have the phone 9 for? 10 A. I don't recall. I got it back 11 before I left. 12 Q. So, it was during the time period 13 on your shift? 14 A. I don't know how long it was, but 15 I got it back. 16 Q. Sure. So, you had it before you 17 left the facility? 18 A. Yes. 19 Q. Were there any other times that 20 she used your cell phone? 21 A. No. 22 Q. Did you use any other means to 23 communicate with her? 24 A. No.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. It's mine. 2 Q. Was this the ring you were talking 3 about before? 4 A. Right. 5 MR. CONNELL: Is that a yes? I'm 6 sorry. 7 THE WITNESS: Yes. I'm sorry. 8 MR. CONNELL: Just make sure the 9 record is clear. 10 BY MS. YEH: 11 Q. So, that was a ring that was yours 12 while you were employed at the Berks County 13 Residential Center? 14 A. Well, I had it before that, but, 15 yeah. I mean, yeah. Yes. 16 Q. And on it is an inscription. I 17 don't know if you can tell, but you might 18 remember. Do you remember what was inscribed on 19 that ring? 20 A. It's Gallic. 21 Q. And what does it say? 22 A. I don't know. I forget what it 23 said. 24 Q. Do you know the meaning of the</p>

<p>1 words?</p> <p>2 A. I don't. I don't know if it was</p> <p>3 inscribed in there or not. I forget. That's</p> <p>4 why they wanted to see it.</p> <p>5 Q. What's that?</p> <p>6 A. That's why her and Patricia wanted</p> <p>7 to see it, to see the writing on it.</p> <p>8 Q. And you just said that Patricia</p> <p>9 took the ring and took it from you?</p> <p>10 A. Well, I handed it to her to look</p> <p>11 at. She didn't like rip it out of my hands.</p> <p>12 She wanted to look at the writing on it.</p> <p>13 Q. And then did you ask for it back?</p> <p>14 A. I did.</p> <p>15 Q. And what happened?</p> <p>16 A. I didn't get it back.</p> <p>17 Q. And did she tell you she wasn't</p> <p>18 going to give it back?</p> <p>19 A. I don't recall.</p> <p>20 Q. Did you do anything when you did</p> <p>21 not get the ring back?</p> <p>22 A. I asked for it back numerous</p> <p>23 times.</p> <p>24 Q. Okay. And did you ever write a</p>	Page 113	Page 115
<p>1 report that you did not get your ring back?</p> <p>2 A. No.</p> <p>3 Q. Did you ever give E.D. the code,</p> <p>4 the password to your phone?</p> <p>5 A. I don't think so. She might have</p> <p>6 been standing there when I did it, but I don't</p> <p>7 think I remember -- I don't recall, no.</p> <p>8 Q. Okay. What was your relationship</p> <p>9 like with the other staff members at the Berks</p> <p>10 County Residential Center?</p> <p>11 A. Meaning what?</p> <p>12 Q. Did you get along or did you have</p> <p>13 conflicts with other staff?</p> <p>14 A. No, I got along with most of them.</p> <p>15 Q. Okay. Earlier you had made a</p> <p>16 comment that it was a facility joke that E.D.</p> <p>17 was your girlfriend. Were there ever instances</p> <p>18 where other staff would sort of send E.D. to</p> <p>19 you?</p> <p>20 A. Yes.</p> <p>21 Q. And can you describe that for me?</p> <p>22 A. If I was at the outside post and</p> <p>23 she was up on B floor, they would ask the staff</p> <p>24 member where I was and, you know, there she</p>	Page 114	Page 116

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1 drinks or something. It would be Matt and
2 Darrius and Jamie and sometimes a few other
3 people. I mean, depending. It was varied.
4 Q. And do you recall how often that
5 occurred?

6 A. Not very.

7 MR. CONNELL: I'm sorry. I didn't
8 catch what you said there.

9 THE WITNESS: She asked me how
10 often, and I said not very. Not very often.

11 MR. CONNELL: Okay. Thank you.

12 BY MS. YEH:

13 Q. And did you know any of the
14 immigration staff workers who worked there?

15 A. No.

16 Q. Did you know an individual named
17 Josh Petrey or Petrey?

18 A. I know of him. I never really --

19 I don't know. I don't know him, no.

20 Q. And did you interact with him at
21 all at the Berks County Residential Center?

22 A. I don't even know what he looks
23 like. I mean, I don't even know. I couldn't

24 put a face to a name. If he walked in this room

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1 other instances or other interactions with you
2 and **E.D.** to the other supervisors as opposed
3 to that particular incident?

4 A. I don't understand what that --

5 Q. Perhaps that was a confusing
6 question.

7 A. No, because I already stated
8 what -- because you asked me before what I went
9 to all the supervisors for and I told you that.

10 And now you are asking me I guess the same
11 question again?

12 Q. So, let's move on, then. After
13 that did you have any changes to your work
14 duties, posts, anything like that?

15 A. Oh, you mean from supervisors and
16 management?

17 Q. Yes.

18 A. After I --

19 Q. Yes.

20 A. -- told -- spoke with the
21 supervisors?

22 Q. Yes.

23 A. No. It was -- you know, you were
24 given your -- on the assignment sheet you were

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1 I wouldn't know if that was him or not.
2 Q. Okay. After the time that you
3 reported you had spoken to your supervisors did
4 you make any changes or adjustments to your work
5 there at the Berks County Residential Center?

6 A. I don't understand that question.

7 Q. So, after you reported -- you had
8 reported that -- you know, the one particular
9 incident that involved you being in the room
10 with **E.D.** and Patricia closing the door on
11 you. You had testified earlier you had reported
12 that particular incident to at least one of the
13 supervisors.

14 A. Uh-huh. Just one of them.

15 Q. Okay. Now, do you remember -- and
16 I'm sorry if I don't remember and you did say
17 this, that particular incident who did you tell?

18 A. Jason Mills.

19 Q. Okay. What -- what did you report
20 to the other supervisors? Was it other
21 incidents that you reported or something else?

22 A. I already stated that. Do you
23 want me to say it again?

24 Q. Just to be clear, so you reported

1 given your post.

2 Q. Okay. You had testified earlier
3 that you along with other staff would eat in the
4 cafeteria during the mealtime?

5 A. Uh-huh. Yes.

6 Q. And specifically on your shift it
7 would be dinner. When you ate in the cafeteria
8 did you sit with **E.D.** in the cafeteria?

9 A. Every day? Maybe a handful of
10 occasions. Maybe like three to four times,
11 maybe.

12 Q. In total?

13 A. I don't know. I don't know. I
14 don't know exact number. I remember sitting
15 with her sitting across from -- the table from
16 her, but I sat across from a lot of other
17 residents, too, you know, or I sat next to staff
18 or -- you could sit wherever you wanted to in
19 the cafeteria.

20 Q. So, there weren't assigned seats?

21 A. For the residents?

22 Q. Correct.

23 A. No, there wasn't assigned seats,
24 but we were just told to -- there was always a

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1 staff member in the back -- the back area.
 2 Q. And did the staff members have
 3 assigned seats at all in the cafeteria?
 4 A. No. We just made sure that there
 5 was at least one person, usually the outside --
 6 I think it was the outside post. Whoever was
 7 the server. There was always one server, and
 8 then the other person would sit back towards
 9 where the bathrooms were, from what I recall.
 10 Q. And did you eat the food that was
 11 made in the cafeteria?
 12 A. Sometimes.
 13 Q. And were there times when you
 14 brought your own food from the outside?
 15 A. Rarely.
 16 Q. Were there ever times when the
 17 kitchen made specific food or different food for
 18 the staff members?
 19 A. I don't recall. Not on my shift.
 20 I don't think so.
 21 Q. Okay.
 22 A. I was never given that food.
 23 Q. Okay. Did you ever share your
 24 food with **E.D.** ?

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1 Q. At that point in time were you put
 2 on leave, were you terminated? Do you recall
 3 what your status was at that time?
 4 A. I think it was administrative
 5 leave. I think.
 6 Q. Okay. And then do you recall how
 7 long were you on administrative leave?
 8 A. I don't really know. Till -- no,
 9 till September 11th. That's when I officially
 10 got fired.
 11 Q. All right. And after you were
 12 fired I don't know if in your position did you
 13 have the ability to appeal that decision at all?
 14 A. I didn't even go there. I mean, I
 15 knew I did something wrong, so I didn't even go
 16 that route. So, I'm not going to put everybody
 17 through that when it's not going to -- it wasn't
 18 very advantageous for me to go ahead and do
 19 that.
 20 Q. Okay. After -- actually, hold on
 21 a minute. Before the -- before you were placed
 22 on administrative leave and then terminated was
 23 there any other time where you were disciplined
 24 at work at the Berks County Residential Center?

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1 A. No. No. They would ask me if --
 2 or other residents would ask me, too, if they
 3 didn't like the meal -- sometimes they didn't
 4 like the meal, and if they wanted a banana or an
 5 apple or something like that, I would go back
 6 and -- if that wasn't on the menu, I would go
 7 back and provide them with that, but that was
 8 out of, you know, just so they would eat
 9 something.
 10 Q. Okay. You had noted that after
 11 the second incident of sexual intercourse you
 12 were no longer working at the Berks County
 13 Residential Center?
 14 A. Yes.
 15 Q. Can you describe what happened?
 16 Why did you no longer work there?
 17 A. They called me and told me.
 18 Q. And who called you?
 19 A. I forget her name. Somebody in
 20 human resources.
 21 Q. And what were you informed?
 22 A. That they were doing an
 23 investigation about an incident, and that I was
 24 not to report to work.

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1 A. Yes.
 2 Q. And can you describe what led to
 3 that?
 4 A. Yes. I told Gary Wright to wash
 5 his hands with Clorox, I believe, and then I
 6 said something to the fact of something about
 7 your skin turning white or something like that,
 8 and he took that as a racial comment. So, I was
 9 suspended for making that comment or something
 10 there.
 11 Q. And do you recall how long you
 12 were suspended for?
 13 A. I don't.
 14 - - -
 15 (Whereupon, the document was marked
 16 as Berks County 53 for identification.)
 17 - - -
 18 BY MS. YEH:
 19 Q. So, feel free to take a moment to
 20 look at this document. So, I just handed to you
 21 Berks County 53, and it does have a title of
 22 disciplinary action report. Had you ever seen
 23 this document before?
 24 A. Vaguely. But I guess I signed it,

<p style="text-align: right;">Page 125</p> <p>1 so, yeah, I must have got it sometime. 2 Q. Is that your signature on the 3 second page? 4 A. Yes, it is. 5 Q. And there is also some writing 6 above the signatures? 7 A. Uh-huh. Yes. 8 Q. Did you write that? 9 A. Yes, I did. 10 Q. And do you recall when you 11 received this? 12 A. I don't recall, but it looks like 13 December 3rd. 14 Q. And did you receive a copy for 15 yourself? 16 A. I'm -- I'm sure I did. That's 17 usually the protocol for that. 18 Q. And what did you understand this 19 document to mean? 20 A. It's just a disciplinary action 21 report. 22 Q. After you receive a disciplinary 23 action report do you have the ability to appeal 24 this?</p>	<p style="text-align: right;">Page 127</p> <p>1 I forget about it. 2 Q. That's fine if you don't remember. 3 A. You know what I mean? It's like 4 he said she said. You know, I didn't say it, he 5 said it, you know -- 6 Q. What I wanted to ask you was do 7 you recall after this whether you were spoken -- 8 you know, did you have -- do you remember before 9 you got this report did you have an opportunity 10 to speak or answer questions about what 11 happened? Was there a proceeding or a meeting? 12 A. I think per my union there is a 13 set way that these situations are dealt with, 14 and they can't go outside of those set 15 requirements. So -- 16 Q. Sure. Afterwards do you recall 17 receiving any counseling or any discussions 18 about what happened by supervisors or by 19 management? 20 A. I don't recall. I don't think so. 21 You mean like -- you know, like about this 22 incident? 23 Q. Yes. 24 A. Like when I came back?</p>
<p style="text-align: right;">Page 126</p> <p>1 A. Yes. I think you do. 2 Q. And did you? 3 A. I remember speaking with my union 4 rep. I don't know what -- if we went through 5 the whole appeal process or I don't know what 6 came about it. I don't remember vaguely. I 7 don't -- 8 Q. So, do you remember whether or not 9 you appealed it? 10 A. I don't. But what does this have 11 to do with E.D.? What does this have to do 12 with -- this is something totally different. 13 Does it have something to do with E.D.? 14 Q. It was in your file and it was a 15 disciplinary matter, so I wanted to ask you 16 about it. 17 A. Okay. Well, I don't really want 18 to talk about this. It doesn't have anything to 19 do with what you are talking. This is something 20 totally separate, isn't it? 21 Q. It was in your file. I believe 22 I'm entitled to ask you about it. I don't have 23 that many more questions about it. 24 A. Okay. I mean, I don't know a lot.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Yes. 2 A. You mean did they say I need to 3 get retrained or something? I don't understand. 4 Q. Did anyone have any -- 5 A. No. I just came back to work. 6 Q. Okay. 7 A. I don't think there was anything. 8 I forget. I don't recall a lot of it, so -- 9 Q. Okay. That's fine. All right. 10 And I just have one more. 11 - - - 12 (Whereupon, the document was marked 13 as Berks County 54 for identification.) 14 - - - 15 MR. CONNELL: I hate to do this to 16 you, Sue Ming, but at the next chance of a break 17 that would work for you, if we could just take a 18 quick break, a comfort break. 19 MS. YEH: I'm just going to ask a 20 couple questions about this and then we can 21 break. 22 MR. ARCHAMBEAULT: Is that okay? 23 MS. YEH: Does that work for you? 24 Or we could take a break right now.</p>

<p style="text-align: right;">Page 129</p> <p>1 MR. CONNELL: No. Feel free to at 2 a time that works for you, that's fine with me. 3 Thank you. 4 BY MS. YEH: 5 Q. I just handed you Berks County 54. 6 It also is titled Disciplinary Action Report. 7 The date is September 11, 2014. Have you seen 8 this document before? 9 A. Yes. I mean, I don't recall 10 verbatim, but, yeah, I do remember seeing it. 11 Q. Did you sign this document? 12 A. I did. 13 Q. Is that your signature on the last 14 page? 15 A. It is. 16 Q. And there's some writing just 17 above that. Is that your handwriting? 18 A. Yes, it is. 19 Q. You had noted earlier that you 20 were terminated from employment on September 21 11th? 22 A. Yes. 23 Q. Is this the notice that you 24 received regarding the termination of your</p>	<p style="text-align: right;">Page 131</p> <p>1 A. No. 2 Q. And it also notes here grievance 3 proceedings. Do you know if you initiated any 4 grievance proceedings? 5 A. No. 6 Q. Let me clarify it. Let me ask did 7 you initiate grievance proceedings? 8 A. No. 9 Q. And I believe this is public 10 record, but you subsequently were convicted of 11 institutional sexual assault; is that correct? 12 A. Yes. 13 Q. And did you plead guilty to that? 14 A. I did, yes. 15 MS. YEH: Why don't we take a 16 break now because I know that Mr. Connell -- 17 MR. CONNELL: Thank you. 18 MS. YEH: And I may not have that 19 many more questions. 20 MR. CONNELL: Thank you. 21 - - - 22 (Whereupon, a short recess 23 occurred.) 24 - - -</p>
<p style="text-align: right;">Page 130</p> <p>1 employment? 2 A. I don't know if this is the formal 3 document for that or not. This is a 4 disciplinary action report. I don't know if 5 this is a termination. I don't know if the 6 county sent me something else saying you are 7 terminated or what. 8 Q. Okay. That's fair enough. 9 Before you signed it did you have 10 an opportunity to review the document, if you 11 remember? 12 A. Yeah. I mean, there was time to 13 do that, yes. 14 Q. Okay. And you wrote here, I do 15 not agree with these statements presented ask 16 facts by the county. I, Daniel Sharkey, will 17 attach a statement at a later date prior to 18 grievance proceedings. 19 Did you write that? 20 A. Yes. I stated I did. 21 Q. Okay. And you said that you will 22 attach a statement at a later date. Do you know 23 if you did, in fact, attach a statement at a 24 later date?</p>	<p style="text-align: right;">Page 132</p> <p>1 MS. YEH: Mr. Sharkey, I actually 2 have no more questions, but the other attorneys 3 may have questions for you. 4 THE WITNESS: Okay. 5 MR. CONNELL: Do you mind if I go 6 first? 7 MR. JONES: No, go ahead. 8 MR. CONNELL: Okay. Thank you. 9 - - - 10 EXAMINATION 11 - - - 12 BY MR. CONNELL: 13 Q. Mr. Sharkey -- actually, we will 14 go back off the record. 15 - - - 16 (Whereupon, there was an 17 off-the-record discussion.) 18 - - - 19 BY MR. CONNELL: 20 Q. Mr. Sharkey, my name is Matthew 21 Connell. I introduced myself when I walked 22 through the door this morning. I'm the attorney 23 that represents the County of Berks, the Berks 24 County Residential Center, Diane Edwards,</p>

<p style="text-align: right;">Page 133</p> <p>1 Matthew Malinowski, Jamie Himmelberger, Brittany 2 Rothermel, Erika Taylor in this litigation. 3 Anybody else? 4 MS. AMBROSE: John Behm. 5 MR. CONNELL: And John Behm. 6 Thank you. 7 BY MR. CONNELL: 8 Q. And during this deposition Ms. Yeh 9 has issued your subpoena to attend to this 10 deposition and as counsel for other parties in 11 the deposition I, too, have the opportunity to 12 ask you questions as I feel necessary to, you 13 know, determine this -- in accordance with this 14 litigation. 15 I am going to spend a few moments 16 going through instructions with you. I know Ms. 17 Yeh did, as well, and I don't mean to bore you 18 and I don't mean to unnecessarily rehash what 19 you already know and/or talked about. 20 There are some things I'm going to 21 question you about that would overlap certainly 22 with what Miss Yeh said. Probably the most 23 part. Then I will have some other things that 24 Miss Yeh did not get into that I will want to</p>	<p style="text-align: right;">Page 135</p> <p>1 A. Okay. 2 Q. If you do give an answer to a 3 question, as is obvious, the court reporter is 4 taking down everything in the room and if you 5 give an answer to a question it will be 6 considered to be your best answer unless you 7 tell us that you can't answer the question for 8 some reason. Okay? 9 A. Okay. 10 Q. If at any point you need to take a 11 break, please speak up. A couple times we have 12 taken breaks here that were asked by others. 13 You certainly may take a break, also. 14 A. Okay. 15 Q. So, if you feel the need to do 16 that, please let us know. We would just ask 17 generally that you answer the question that's on 18 the table, so to speak, before we take such a 19 break. 20 You had indicated that you first 21 started with the county at the Berks County 22 Youth Center, correct? 23 A. Yes. 24 Q. When you started at the Berks</p>
<p style="text-align: right;">Page 134</p> <p>1 talk to you about. 2 A. Okay. 3 Q. I don't do that to trick you. I 4 don't do that to drag this thing out. It's more 5 a matter of satisfying my curiosity on behalf of 6 my clients and to fully advocate on their 7 behalf. Okay? 8 A. Yes. 9 Q. First, if -- during the course of 10 the deposition or while I'm asking you questions 11 I would ask you to let me know if you don't 12 understand anything I say. It's very important 13 that you understand my questions so that you 14 give the best answer that you can give. 15 A. Okay. 16 Q. Okay. If you ask -- if I ask you 17 a question and you don't know the answer to it I 18 don't know is a perfectly fine answer. 19 A. Okay. 20 Q. If I ask you a question and you 21 don't remember something, you don't remember, of 22 course, is a perfectly fine answer as long as 23 it's a truthful answer and it's your best 24 answer. That's what we're looking for. Okay?</p>	<p style="text-align: right;">Page 136</p> <p>1 County Youth Center you received training there, 2 as well, correct? 3 A. Yes. 4 Q. And, when you received training at 5 the Berks County Youth Center, what sort of -- 6 do you recall any of the details of the types of 7 training you received? 8 A. It was very -- I mean, it was very 9 similar to when I got -- when I was hired at the 10 residential center, as well. I mean, it was 11 very similar. 12 Q. Were the topics of training 13 similar? 14 A. Yes. 15 Q. Okay. And do you recall training 16 on the topic of sexual abuse/assault prevention 17 and intervention, also known as SAAPI, S-A-A-P-I? 18 A. What is it again? 19 Q. Sexual assault/abuse prevention 20 and intervention? 21 A. I don't know. 22 Q. Okay. If you had signed off on 23 documents that you had received training on that 24 topic and others, would you have signed those</p>

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1 willingly and acknowledging that you received
2 that training?

3 A. No, because, like I said before,
4 some of these were in binders and I would
5 just -- you would go through them and just sign
6 them.

7 Q. Okay. And was it your
8 understanding --

9 A. So, that wasn't like -- you know,
10 like I said with the code of ethics, it wasn't
11 like somebody sat down with me and said, okay,
12 this is the code of ethics and we're going to
13 talk about this for the next hour.

14 Q. Okay.

15 A. I think there's too much in that
16 binder to actually sit down and do it. So, a
17 lot of times they would just -- I would sit
18 there at a table and the supervisor would leave
19 and I would sign. I would just go like this and
20 sign them.

21 Q. Well, let me ask you this --

22 A. Under my own free will.

23 Q. It was your understanding that it
24 was your duty and responsibility to read them

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1 center did you -- well, let me step back a
2 little bit. I'll strike that question. It was
3 misstated.

4 Your employment at the youth
5 center ended because the facility was closed,
6 correct?

7 A. It was closing, yes. Yeah,
8 everybody was --

9 Q. And did you take what was offered
10 as a voluntary layoff at the time?

11 A. Yes. I think they had positions
12 opened up at the residential center or you could
13 take the unemployment and severance and all
14 that. I forget what the whole package deal was,
15 but --

16 Q. And when you -- when the facility
17 was closing your first choice was to take the
18 voluntary layoff and severance package, correct?

19 A. I don't know if it was my first
20 choice. I mean, I was kind of torn between
21 whether to go over to the residential center or
22 to, you know, move onward, I guess.

23 Q. And what did you choose to do?
24 A. I eventually chose to go another

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1 and understand them, correct?

2 A. That's what I was told, yes.

3 Q. Okay. And, when you first started
4 at the Berks County Youth Center, is it your
5 testimony that you were just sat there with a
6 binder and signed everything?

7 A. No, not at the youth center I
8 don't believe. I think it was more in depth at
9 the youth center.

10 Q. Okay.

11 A. And I think the policies probably
12 changed. I forgot. The training at the youth
13 center was at least a week --

14 Q. Okay.

15 A. -- as opposed to a couple days
16 when I went back at the residential center.

17 Q. So, when you returned to the Berks
18 County Residential Center you have a period of a
19 couple days of training, correct?

20 A. Yeah, it was a couple days.

21 Q. Okay. And that training was
22 conducted by supervisors, correct?

23 A. Yes.

24 Q. When you returned to the youth

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1 route. You know, I took the layoff.

2 Q. And then you received the
3 severance package, et cetera, in accordance with
4 the agreement with the union?

5 A. Yes.

6 Q. And then you later came back and
7 reapplied for a position at the Berks County
8 Residential Center?

9 A. No, I did not reapply at all.

10 Q. Oh, how did that come about?

11 A. I think there's something in our
12 union where you're put on kind of like a --

13 Q. Oh, recall list?

14 A. -- recall list.

15 Q. My apologies. So, you remained a
16 member of the union?

17 A. I'm not sure how that works, but I
18 would imagine, yeah, for that period of time, I
19 guess. There was a certain amount of days, I
20 think, you were allowed to be on that list. I
21 don't know the specifics on it.

22 Q. What is your understanding about
23 how it came about that you ended up employed at
24 the Berks County Residential Center after your

<p style="text-align: right;">Page 141</p> <p>1 A. They had a position open on second 2 shift, and I guess they kind of just went down a 3 list. 4 Q. And somebody called you? 5 A. And somebody called me from human 6 resources. 7 Q. All right. And then you decided 8 to accept that position? 9 A. Yes. 10 Q. All right. So, you go back. And 11 how long a period of time was it between the 12 time you left your position at the youth center 13 and you started again in the Berks County 14 Residential Center? 15 A. Six months. I'm not sure exactly. 16 Q. Okay. Less than a year? 17 A. Less than a year. 18 Q. Okay. And when you went back to 19 the Berks County -- when you went to the Berks 20 County Residential Center were you among a group 21 of individuals who started at the same time or 22 was it just you? 23 A. It was just me on second shift.</p>	<p style="text-align: right;">Page 143</p> <p>1 tell you you're due for training. 2 Q. Okay. 3 A. You would go down to the room and 4 whatever the training was. 5 Q. So, if there were records that 6 indicated you received something in the area of 7 40 to 50 hours of training a year during your 8 time at the Berks County Residential Center 9 would that surprise you? 10 A. No. 11 Q. Okay. And that training was on 12 various topics? 13 A. Yeah. Whatever -- yeah, it could 14 have been -- if you were due, you were due. 15 Q. Okay. 16 A. Or they would pass it out while 17 you were working. 18 Q. When you said you just looked at 19 the binder and signed off, were you referring to 20 policies? 21 A. No. He would just give me 22 everything. There was everything that he would 23 give me. He gave me stacks of paper. 24 Q. But I'm saying are those stacks of</p>
<p style="text-align: right;">Page 142</p> <p>1 Q. Okay. And then you went 2 through -- 3 A. You mean like during training? 4 Q. Yeah. Yeah. For example -- 5 A. No, it was just me during that 6 time in the training room. 7 Q. So, it was you with supervisors? 8 A. Unless there was somebody that 9 would come down for additional training, you 10 know, like the quarterlies or -- 11 Q. The what? 12 A. Like you would have to go through 13 random training throughout your whole time 14 there. It's not like you just get trained once 15 and then you're done. It's like stuff that 16 happens. 17 Q. So, when you received -- when you 18 started there you received training for a period 19 of a couple days and then you also received 20 quarterly training, is that what you mean? 21 A. I'm not sure if it's quarterly or 22 if each one -- each one is designated for its 23 own, you know. One might be yearly, one might 24 be -- that's out of my realm. They would just</p>	<p style="text-align: right;">Page 144</p> <p>1 papers policy manuals? 2 A. I signed some policies. There was 3 a separate binder of those. 4 Q. And you were aware of the policy 5 manual and being able to access it at any time, 6 right? 7 A. No. 8 Q. No? 9 A. I don't know. What -- what -- 10 what policy manual? 11 Q. The standard operating policy 12 manual at the Berks County Residential Center. 13 A. Yeah. I think it was upstairs in 14 one of the desks. 15 Q. And you knew that while you worked 16 there, and you knew that it was available to you 17 to review at any time you felt you needed to 18 review it? 19 A. Yes. 20 Q. When you testified earlier -- or 21 strike that. 22 You testified earlier that you 23 spoke with Jason Mills, Len Kopetsky and Brandon 24 Witmer at various times about -- in some form or</p>

<p style="text-align: right;">Page 145</p> <p>1 fashion about E.D. correct?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any recollection as to</p> <p>4 when E.D. first entered the facility?</p> <p>5 A. No idea.</p> <p>6 Q. And the last time you were in the</p> <p>7 facility was in August of 2014, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Now, you had indicated that you</p> <p>10 had sexual intercourse with E.D. on two</p> <p>11 occasions, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And then you also had indicated</p> <p>14 that there was a period of time before you had</p> <p>15 ever had sexual intercourse that you and E.D.</p> <p>16 E.D. kissed and/or hugged?</p> <p>17 A. Yes.</p> <p>18 Q. From the time that you first</p> <p>19 kissed E.D., can you identify the period</p> <p>20 of time between then and when you had spoken</p> <p>21 with any supervisor about her?</p> <p>22 A. I don't know that answer.</p> <p>23 Q. Can you estimate? Was it more</p> <p>24 than a day?</p>	<p style="text-align: right;">Page 147</p> <p>1 go on this assignment sheet. So, my next -- on</p> <p>2 Thursday, 7/31, so I knew the next day when I</p> <p>3 came in I was probably going to be a floater.</p> <p>4 Q. Okay. Does that --</p> <p>5 A. And then the next day --</p> <p>6 Q. And he is referring to Berks</p> <p>7 County 19.</p> <p>8 So, the next day -- if taking your</p> <p>9 example that you just pointed at, what was the</p> <p>10 date that you just pointed at?</p> <p>11 A. July 31st.</p> <p>12 Q. So, right below that would be</p> <p>13 August 1st. So, you indicated the next shift</p> <p>14 over?</p> <p>15 A. Actually, I'm outside there.</p> <p>16 Q. Okay. So, you had actually</p> <p>17 skipped over the floater position and went from</p> <p>18 M1 on 7/31 to outside --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- on 8/1?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So, is there anywhere in</p> <p>23 there where you are listed as the A1 post?</p> <p>24 Anywhere on --</p>
<p style="text-align: right;">Page 146</p> <p>1 A. I don't know.</p> <p>2 Q. So, it could have been just a</p> <p>3 single day before you first kissed her that</p> <p>4 you --</p> <p>5 A. Right, I don't know. I don't want</p> <p>6 to give you the wrong answer.</p> <p>7 Q. I understand. But what I'm saying</p> <p>8 it could have been that short period of time?</p> <p>9 If you don't know what period of time it was, it</p> <p>10 could have been just a day before, you don't</p> <p>11 know?</p> <p>12 A. Right.</p> <p>13 Q. Okay. I want to ask you a couple</p> <p>14 quick questions about your recollection of the</p> <p>15 facility. You at -- periodically you worked at</p> <p>16 the A1 post?</p> <p>17 A. I mean, you rotate around, so --</p> <p>18 Q. So, at some point you worked the</p> <p>19 A1 post?</p> <p>20 A. This is -- I mean, the way it used</p> <p>21 to work when I was there is you would start --</p> <p>22 if that's me here, like my next day post would</p> <p>23 be here and my next day post would be there and</p> <p>24 my next day post -- it would just -- you would</p>	<p style="text-align: right;">Page 148</p> <p>1 A. On this paper?</p> <p>2 Q. -- on Berks County 19?</p> <p>3 A. No.</p> <p>4 Q. Do you recall ever working the A1</p> <p>5 post?</p> <p>6 A. During my whole time there?</p> <p>7 Q. Yes.</p> <p>8 A. Yes, I worked there numerous</p> <p>9 times.</p> <p>10 Q. Okay. That's why I said</p> <p>11 periodically. Sometimes you would be working --</p> <p>12 A. Yeah. You work every single one</p> <p>13 of these posts.</p> <p>14 Q. Okay. Do you have recollection</p> <p>15 ever leaving the A1 post to allow visitors in</p> <p>16 from the lobby area?</p> <p>17 A. Yes, I'm sure I've probably done</p> <p>18 it a couple times.</p> <p>19 Q. Okay. You seem to exert some</p> <p>20 level of confusion over when a key is needed --</p> <p>21 or a electronic key card or a key is needed to</p> <p>22 pass through doors to go into the lobby or to go</p> <p>23 to the outside.</p> <p>24 The doors going to the outside rec</p>

<p style="text-align: right;">Page 149</p> <p>1 area are automatic sliding doors, you would 2 agree with that? Or, no. Correction. The 3 person who's working at the outside -- who's 4 assigned to outside, when do they go outside? 5 A. Whenever they -- well, whenever 6 they do like a perimeter check. They are 7 supposed to go out there and check it first -- 8 Q. Okay. 9 A. -- before their shift starts or 10 right when their shift starts they're supposed 11 to go out there, and you sign a logbook saying 12 you have checked the area of any kind of hazards 13 or safety concerns or anything. 14 Q. And also times where residents go 15 outside? 16 A. And then when the residents are 17 out there and then the end of your -- you know, 18 the different times when it needs to be cleared. 19 Q. Now, if there is a -- if there is 20 a resident outside and the outside officer goes 21 outside as well, there's nothing preventing a 22 resident from later -- another resident from 23 following and going outside. You agree with 24 that?</p>	<p style="text-align: right;">Page 151</p> <p>1 Q. But it's possible that there is no 2 key leading to the outside rec area and no key 3 leading to the lobby area, that those doors are 4 not locked for egress purposes? It's possible? 5 You just don't recall? 6 A. I don't recall. 7 Q. Okay. 8 MS. YEH: If I could just clarify, 9 when you said egress, could you -- 10 MR. CONNELL: My purpose of egress 11 is going from the inside of the building to the 12 outside as opposed to ingress. Am I wrong about 13 that? 14 MS. YEH: You could be right, but 15 I just wanted to clarify what you were meaning 16 from -- when you asked the question you were 17 talking about people from the inside going to 18 the outside. Is that what you mean by egress? 19 MR. CONNELL: Correct. Correct. 20 BY MR. CONNELL: 21 Q. Is that what you understood I 22 meant, by the way? 23 A. I did, yes. 24 Q. Okay. You were asked some</p>
<p style="text-align: right;">Page 150</p> <p>1 A. No. They would radio -- that's 2 what the radios are for. 3 Q. And what would happen with the 4 radio under that circumstance? 5 A. Whoever was down in the A1 or A 6 floor area, you know, they would -- the 7 residents would say I want to go outside. 8 Q. Okay. 9 A. And they would radio to the 10 outside unit and say there's six residents 11 coming outside. 12 Q. Okay. And then the residents can 13 go outside? 14 A. The residents can go outside. 15 Q. They didn't need a key to get 16 through the doors? 17 A. No. They can push them, I 18 believe. I'm not really sure how the key system 19 really -- I mean -- 20 Q. So, it's possible -- 21 A. It's been a couple years since 22 I've -- 23 Q. Right. Understand. 24 A. Okay.</p>	<p style="text-align: right;">Page 152</p> <p>1 questions about the shower rooms in the resident 2 areas of the facility. And I just -- I came 3 away from what you had said being a little 4 confused, so I just want to be clear. There are 5 rooms that are on the residents' area on the B 6 floor, correct? 7 A. (Witness nods). 8 Q. That are designated for residents' 9 showers? 10 A. (Witness nods). 11 Q. Is that a yes? 12 A. Yes. Sorry. I keep forgetting. 13 Q. And those rooms themselves are 14 where residents go in, presumably remove 15 clothing, shower, reclothe and come back out 16 into the common hallway? 17 A. Presumably, yes. 18 Q. Is it your testimony that you 19 don't know whether there are cameras in there or 20 not? 21 A. I don't know if there's cameras in 22 there or not. I have never seen a camera in 23 there, but then I wasn't looking for a camera. 24 And I was rarely in there unless they would tell</p>

<p style="text-align: right;">Page 153</p> <p>1 us if there was a shower issue or, you know, 2 like a water leak or, you know, something like 3 that where we would have to go in there. 4 Q. But you wouldn't be surprised if 5 you were -- if someone were to say there's no 6 cameras in there? That wouldn't surprise you? 7 A. That wouldn't surprise me. 8 Q. Now, talking a little bit more 9 about cameras, you had indicated that you didn't 10 know where all the cameras were? 11 A. Right. 12 Q. But they are not hidden or at 13 least -- strike that. There are cameras that 14 are obvious -- 15 A. Yes. 16 Q. -- within the facility, correct? 17 A. Yes. 18 Q. And those cameras that are obvious 19 within the facility are located in common areas? 20 A. As far as I know, yes. 21 Q. And what do you mean by common 22 area? When I say common area, you answered. 23 What did you think I meant by that? 24 A. A common area?</p>	<p style="text-align: right;">Page 155</p> <p>1 A. In the ceiling. Ceiling tiles or 2 whatever. 3 Q. So, when you are walking down the 4 hallway, you, Dan Sharkey, are walking down the 5 hallway, you know that there's a camera there 6 and a camera there because you can physically 7 see them? 8 A. Right. 9 Q. Okay. And you knew this from the 10 outset of your employment at the Berks County 11 Residential Center? 12 A. That there was cameras in there? 13 Q. Yes. 14 A. Yes. 15 Q. Now, I think you might have 16 referred at some point today to the video group 17 or something to that effect. Did you have 18 access to -- or strike that. 19 Those cameras, do you have any 20 idea where they go, what they do? What they 21 stream to, if they stream? What they record? 22 Do you know anything about them? 23 A. I know where the room was, yes. 24 I've been in that room.</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. Yes. 2 A. Would be like a main hallway, a 3 main -- you know, where the TVs, where the 4 residents transit or the staff transit. 5 Q. Okay. And the dayrooms would be 6 considered common areas? 7 A. Yes. When I say common area, 8 that's what I mean. I mean the dayrooms. So, 9 yeah, those where the TV rooms are up on the B 10 floor and the same thing on the lower floor and 11 all the hallways. 12 Q. Okay. 13 A. I don't know for sure where the 14 cameras are pointing, but I'm assuming that 15 there's cameras in those areas. 16 Q. Well, there are -- 17 A. You could physically see them. 18 Q. Describe what you mean by that. 19 A. What, physically seeing them? 20 Q. Yes. 21 A. I mean, they are like your typical 22 like, you know, dome looking camera on the -- on 23 the -- 24 Q. In the ceiling?</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. You've been in the room? 2 A. Yes. 3 Q. How have you been in the room? 4 A. With supervisors. 5 Q. And did you have access to the 6 room? 7 A. I did not have access. It's just 8 the supervisors. As far as I know just the 9 supervisors had the key to that room. 10 Q. Okay. And do you recall where 11 that room was located? 12 A. It's right across from the -- on A 13 floor or the lower floor across from the staff 14 bathrooms. 15 Q. Okay. And did you have -- is it 16 your understanding that the room that it was in 17 was locked? 18 A. Yeah. You had to be with a 19 supervisor. I believe a supervisor was the only 20 one who had a key to that. 21 Q. Okay. Did you -- 22 A. On my shift. Like I don't know 23 when the administration is there, you know, I 24 don't know who has a key to it.</p>

<p style="text-align: right;">Page 157</p> <p>1 Q. Okay. When -- and, incidentally, 2 was there anything broadcasting that particular 3 room as the room where the monitors were? 4 A. What do you mean? 5 Q. Was there a placard on the door 6 that said video monitoring room or anything like 7 that? 8 A. I don't recall. I just knew that 9 was -- I think most of the staff there knew that 10 was the video room. 11 Q. Okay. 12 A. Or where the cameras were. 13 Q. And you have seen it before. 14 Describe for us physically what you saw. 15 A. The inside of the room? 16 Q. Yes. 17 A. It's a real cramped room. You 18 can't really fit too many people in there. 19 There's a chair with like a computer and they 20 would -- you know, I think, you know, you would 21 just go in there and look at video. 22 Q. Do you know if the computer 23 identified live streaming or if it was just a 24 recording system?</p>	<p style="text-align: right;">Page 159</p> <p>1 So, I have never seen any video of myself or 2 E.D. walking into another room or -- 3 Q. Okay. So, just let me step back a 4 little bit, because I'm getting a little bit 5 confused. 6 When I asked you questions about 7 how you knew about the video room -- 8 A. Right. 9 Q. -- you said supervisor would call 10 me in there and say you got to check this out? 11 A. Right. As like a joke. As 12 something fun to do. Like the one time like 13 somebody was mopping the floors, a staff member 14 was mopping the floors and lost his footing and 15 it was funny. So, it was like America's 16 Funniest Home Videos type thing. 17 Q. So, let me ask you this: When -- 18 so, I asked you had you seen that room, been 19 shown that room by a supervisor at any time 20 before you first kissed E.D.. The answer to 21 that question would then be? 22 A. Yes? 23 Q. That's answering a question with a 24 question. Let me step back.</p>
<p style="text-align: right;">Page 158</p> <p>1 A. The only time I viewed it was when 2 it was -- when somebody would say you got to 3 come see this, check this out, and then we would 4 go look at it and -- so, I'm assuming that was 5 on the recorded side of my part in it. 6 Q. Okay. Before the first time you 7 ever kissed E.D. did you look at video in that 8 room? 9 A. No. 10 Q. Okay. So, when -- describe the 11 circumstance where you did see it. You said if 12 a supervisor said come on, you got to see this? 13 A. Right. 14 Q. Was that at some point after you 15 kissed E.D. ? 16 A. I've never seen any of the video 17 of anything that I did in that facility 18 regarding to this. 19 Q. Related to -- 20 A. Related to what you are trying to 21 get at. I never saw any video of anything. 22 Q. Related to -- 23 A. I mean, I have a stack of videos 24 in here, but I have never even looked at them.</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Before any interaction with her I 2 was -- I was -- after I met her I don't think I 3 was ever in that room. 4 Q. Okay. So, you knew where that 5 room was -- 6 A. But I don't know -- 7 Q. -- before you ever knew who E.D. 8 E.D. was? 9 A. Oh, yeah, definitely. 10 Q. And you had been in that room at 11 some point before you ever knew who E.D. 12 E.D. was? 13 A. Yes. 14 Q. But you knew that you didn't have 15 access to that room? 16 A. Right. It's my understanding that 17 you needed a supervisor. 18 Q. Okay. E.D. says -- has 19 told me and others in this room that you told 20 her that you could watch her through the 21 cameras. 22 A. Never said that ever. 23 Q. Okay. Could you ever watch her 24 through the cameras?</p>

<p style="text-align: right;">Page 161</p> <p>1 A. I would have to be with somebody 2 else. 3 Q. Okay. 4 A. I would have to be with a 5 supervisor or somebody that has access to that 6 room, and I would never -- no. That never 7 happened. 8 Q. The answer to the question is you 9 never did that? 10 A. Never happened. 11 Q. And you never told her that you 12 did that? 13 A. Never told her that. I wouldn't 14 tell her that because I know that's not 15 possible. 16 Q. Okay. Did she ever ask you about 17 whether you had access to the cameras? 18 A. I don't -- 19 Q. Do you not understand my question? 20 A. I do understand it. I mean, no. 21 No, I don't think I have ever had a conversation 22 with her about the cameras. 23 Q. Okay. About -- well, okay. 24 A. I don't think any resident there</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. Okay. And do you understand what 2 the term conducting a sweep means? 3 A. Conducting a sweep? 4 Q. Or doing sweeps? Sweep as part of 5 the responsibilities of a shelter care 6 counselor? 7 A. You mean like checking rooms and 8 stuff like that as -- is that what you mean? 9 I'm not sure. 10 Q. Sure. And I'll clarify. My first 11 question is do you understand what the term 12 sweep is? Does it mean anything to you? 13 A. I'm going to say no. 14 Q. Okay. But checking -- like 15 walking up and down hallways? 16 A. Oh, okay. Yeah. Check. Yes, I 17 do. 18 Q. There is a difference between 19 walking up and down hallways and room checks, 20 you will agree with that? 21 A. Yeah. Room check are a little 22 more involved. 23 Q. Room checks involve using a 24 flashlight at night to flash on the ceiling or</p>
<p style="text-align: right;">Page 162</p> <p>1 has ever asked me about the cameras or if I can 2 watch them in the cameras. Nobody has ever 3 asked me that. 4 Q. So, she never engaged in that 5 conversation with you and you never engaged in 6 any conversation with her about being able to 7 watch her through the cameras? 8 A. No. That's -- no. 9 Q. Okay. So, your belief is if she 10 had said that that would be an inaccurate 11 statement by her? 12 A. That would be an inaccurate 13 statement, yeah. 14 Q. By her? 15 A. By her, yes. 16 Q. You were asked questions about 17 supervisors and you said they were often in 18 their office. You knew how to access a 19 supervisor if need be, correct? 20 A. Phone or radio. 21 Q. Okay. You carried a radio with 22 you at all times on your shift? 23 A. Not all -- not all the time, but, 24 yeah, most -- most times, yes.</p>	<p style="text-align: right;">Page 164</p> <p>1 the floor to insure that the residents are in 2 there and breathing? 3 A. Right. 4 Q. And that's done after 8:00 p.m. in 5 the evening? 6 A. I forget the times, but if that's 7 the time, yes. 8 Q. Okay. And second shift -- what 9 hours did you work on second shift? 10 A. I believe it was 2:15 to 10:30. 11 Q. Okay. So, part of your 12 responsibilities would have been doing room 13 checks at some point during your shift, correct? 14 A. Yes, since it's signed on here, 15 the assignment sheet. 16 Q. And then you also -- you also have 17 the responsibility to do sweeps, correct? 18 A. Yes, depending on where you're -- 19 you want to keep moving. They tell you not to 20 stay in -- you know, plop yourself in a chair 21 for eight hours. You know, try to avoid that. 22 Q. Right. You are supposed to move 23 around and -- 24 A. Right. Move about, yeah. Not</p>

<p style="text-align: right;">Page 165</p> <p>1 necessarily you don't have to go like -- you 2 know, it's not like you're continuously moving. 3 You know what I mean? 4 Q. Sure. 5 A. You can sit down and interact or, 6 you know, play and game or something like that 7 and then get up and you kind of make your 8 presence around the facility. 9 Q. Did you understand that term of 10 moving around the facility as doing sweeps? 11 A. Yes. 12 Q. All right. You mention 13 interaction. Would you agree that there was an 14 expectation that there would be a level of 15 interaction with residents? 16 A. Yes. I think they -- they require 17 you to do that. 18 Q. Including whether it be talking to 19 them, playing games with them, watching movies 20 with them, meeting with them? 21 A. Yes. It can be a wide range of 22 things. And there were structured activities 23 that, you know, ping pong tournaments and so, 24 you know, they encouraged group interaction.</p>	<p style="text-align: right;">Page 167</p> <p>1 in there. 2 Q. Okay. You were asked questions 3 with regards to your interactions with other 4 staff members, so I want to ask you a couple 5 quick questions about that. Okay? 6 A. Okay. 7 Q. You had indicated with supervisors 8 that contact was minimal and that contact with 9 other staff members, they were the people you 10 would interact with the most? 11 A. Right. 12 Q. So, your contact with supervisors 13 on a normal shift without any exciting event 14 when you are interacting with staff -- I mean, 15 interacting with residents, did you ever feel 16 the need to have a supervisor present in your -- 17 in your presence at all times? 18 A. No. 19 Q. Did the job require direct 20 supervision on a daily basis? 21 A. No. 22 Q. So, when you -- 23 A. They got upset when you would do 24 that.</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. Would you agree that it's not 2 unusual during -- of course, speaking of the 3 time that you worked there, that it was not 4 unusual for staff and residents to be 5 interspersed with each other? 6 A. Do you mean like commingling type? 7 Q. Yeah, commingling? 8 A. No. That happens -- it happens a 9 lot. 10 Q. On a typical day walking 11 through -- you know, if you walked through one 12 hallway, through a dayroom, down another hallway 13 on either A or B floor it would not be unusual 14 to see staff and residents commingling? 15 A. Right. 16 Q. Talking? 17 A. Yes. 18 Q. Playing games, perhaps? 19 A. Yes. 20 Q. Working on a computer together, 21 perhaps? 22 A. Yes. 23 Q. Those are all standard activities? 24 A. You would see that if you walked</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. I'm sorry? 2 A. That's like they would -- you 3 know, we all were grown adults. I think they 4 all knew what the job entailed. So, I don't 5 think they would micromanage everything. At 6 least our supervisors didn't do that. 7 Q. And as a staff member would your 8 expectations have been that you didn't need to 9 be micromanaged in a daily routine at the job? 10 A. Right. Some supervisors did that 11 and some didn't. 12 Q. But if an unusual event occurred 13 you understood you had ways to access the 14 supervisors? 15 A. Yes. You had the radio or your 16 partner on that floor had a radio or there was 17 phones. 18 Q. Okay. Did you ever feel like you 19 were unsupervised? 20 A. No. 21 Q. Did -- now I'm going to ask you a 22 question about the interactions with staff. My 23 first question that I was left with from your 24 testimony is it almost sounded as if when you</p>

<p style="text-align: right;">Page 169</p> <p>1 were being asked questions that there was an 2 expectation that you almost have a wing man with 3 you at all times everywhere you move around the 4 facility. Is that the way you thought it should 5 have been?</p> <p>6 A. At the facility?</p> <p>7 Q. Yes.</p> <p>8 A. When I worked there?</p> <p>9 Q. Yes.</p> <p>10 A. No. You had -- no. It was like 11 you had a partner so, you know, B1, B2, so you 12 would know who you are working with and kind of 13 get a gist of how your day's going to be 14 according to who you are working with. You 15 know, there's a lot of -- you know, you are 16 paired up with other people.</p> <p>17 Q. All right. When you say paired 18 up, what I'm trying to clarify is --</p> <p>19 A. No. And you are walking around. 20 You are not there -- you're not walking -- you 21 might be walking around with somebody, like if a 22 floater is not really doing anything, he might 23 be talking about, you know, the Flyers or 24 something.</p>	<p style="text-align: right;">Page 171</p> <p>1 A. Yes. 2 Q. So, there were natural 3 circumstances throughout the day where B1 and B2 4 would not be side-by-side? 5 A. Oh, yes. Even like you were 6 saying before with the sweeps, you know, your 7 job was to go down the hallway and check and 8 make sure everything was all right during those 9 times. If there was residents back there B1 and 10 B2 would not be in eyesight of each other. 11 Q. Okay. And that's what I'm getting 12 at. The responsibility or expectation is not B1 13 and B2 waddle about the facility -- 14 A. No. 15 Q. -- together the entire time? 16 A. No. 17 Q. The expectation was that they'd be 18 separate and intermingling and supervising 19 residents separately? 20 A. Right. You were basically in 21 charge of that floor. 22 Q. You had been asked questions about 23 the computer rooms. I got a couple quick 24 questions for you on them. Okay. You had</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. But would you say it is unusual or 2 not unusual to be completely separate from the 3 other partner throughout the course of the day? 4 A. For a long period of time? 5 Q. For any period of time? 6 A. Yeah. I don't -- I don't 7 understand that question really. 8 Q. And that's fair, and please tell 9 me when that happens. 10 So, you indicated like B1 or B2 -- 11 B1 sits at the desk or generally is in the desk 12 area, and B2 is generally in the back area where 13 there's a TV and the cafeteria -- 14 A. Right, right. 15 Q. -- correct? 16 Okay. So, if B2 -- if there is a 17 resident in the back area -- 18 A. Yes. 19 Q. -- watching TV, B2's 20 responsibility is to insure that they are okay, 21 right? 22 A. Yes. 23 Q. B1 would still have the 24 responsibility to be up in the dayroom area?</p>	<p style="text-align: right;">Page 172</p> <p>1 indicated you interact with Spanish speaking 2 residents in a variety of ways including 3 language services, using other residents, using 4 other staff and using a computer program. 5 Do you recall using Google 6 Translate? 7 A. I do. I'm not sure if it was 8 called that. It was in the library where all 9 the books were and stuff. 10 Q. Okay. So, there were computers in 11 a room where all the books were, yes? 12 A. There was a couple, yes. 13 Q. And what floor would that have 14 been on? 15 A. That's on A floor. 16 Q. Do you recall there being another 17 room, like an internet cafe that had computers 18 in it, as well? 19 A. Yes. 20 Q. So, there were actually two rooms 21 with computer access or internet access 22 available to residents and staff, correct? 23 A. Yes. 24 Q. And one was the library with the</p>

<p style="text-align: right;">Page 173</p> <p>1 books in it and one was what was referred to 2 typically as the internet cafe or something like 3 that? 4 A. Yes. 5 Q. Would you use the library in both 6 of those -- strike that. 7 Would you use the computer in both 8 of those rooms? 9 A. No. 10 Q. Which would you typically use? 11 A. The one that was going down 12 towards the classroom on the A floor on the 13 lower floor. 14 Q. And is that the one -- 15 A. Not the cafe. 16 Q. Okay. So, that's the one you 17 referred to as the library? 18 A. Yes. 19 Q. And you would agree that the 20 library is more of a closed room than the 21 internet cafe is? You don't understand the 22 question? 23 A. Well, no, I understand the 24 question. I don't understand what you mean by</p>	<p style="text-align: right;">Page 175</p> <p>1 A. Yes. 2 Q. And you understood that to use 3 language services you had to fill out a report? 4 A. Yes. 5 Q. Do you understand that you had -- 6 one of the reasons why you had to fill out that 7 report is because language services bills the 8 county for its services? 9 A. Yes. 10 Q. So, if a bill came in, somebody 11 used language services and there wasn't a 12 report, there would be no way to pay the bill or 13 compare the bill to what it had been used for? 14 A. Right. I don't know all the 15 particulars about that, but that sounds about 16 right. 17 Q. Did you ever use language services 18 to communicate with E.D. ? 19 A. No. 20 Q. When you communicated with E.D. 21 did you ever use anything other than other 22 residents or the computer? 23 A. My cell phone. 24 Q. Okay. You did mention cell phone.</p>
<p style="text-align: right;">Page 174</p> <p>1 closed. Like -- I mean, there's windows and a 2 door. 3 Q. Well, the internet cafe was 4 almost -- 5 A. It was offices before, yeah. 6 Q. It's almost all windows? 7 A. Right, right. 8 Q. Like see through walls? 9 A. Right, but you could see in there. 10 You could see where I was at. 11 Q. The computer room? 12 A. Where the library is. You could 13 walk in there and -- 14 Q. Yes, but there was a door that 15 opened and closed? 16 A. Right, right. It's not like the 17 internet, the cafe. 18 Q. Do you know as you sit here today 19 or do you recall as you sit here today that -- 20 whether there were cameras in the library? 21 A. I do not know that. 22 Q. Okay. You were -- you were aware 23 that you had language services available to you 24 to use to communicate with residents if need be?</p>	<p style="text-align: right;">Page 176</p> <p>1 And that cell phone, that's something -- your 2 personal cell phone you are referring to, 3 correct? 4 A. Yes. 5 Q. You were not issued a county cell 6 phone at that time? 7 A. No. 8 Q. And you said you don't recall 9 whether Google Translate was the program that 10 you used to communicate when on the computer? 11 Do you know what Google Translate is, as we sit 12 here right now? 13 A. I do, yeah. I just don't know if 14 that's -- if there's other ones that you can 15 use. I remember like being on it. I don't know 16 if it said Google Translate on it. 17 Q. But it's possible? 18 A. Yeah. It looks -- you know, it 19 was very -- I don't know if there's other 20 programs that you can use, but it was very 21 similar to that. 22 Q. And there were times where you sat 23 with E.D. at the computer, correct? 24 A. There was only a couple times we</p>

<p style="text-align: right;">Page 177</p> <p>1 did that. That wasn't like -- that wasn't an 2 everyday thing.</p> <p>3 Q. All right. And when you sat at 4 the computer with E.D. at the library, was 5 that times where you kissed and hugged?</p> <p>6 A. No, because there was other 7 residents and Patricia was there. It was --</p> <p>8 Q. Open and obvious?</p> <p>9 A. What's that mean?</p> <p>10 Q. Well, when you were sitting in 11 there, was it open to other people when you were 12 with her?</p> <p>13 A. No.</p> <p>14 Q. Okay. You said --</p> <p>15 A. Because other residents could be 16 in and using those computers and looking at 17 library books, as well, so it's not --</p> <p>18 Q. Right. So, you were out in the 19 open?</p> <p>20 A. Right, right.</p> <p>21 Q. And you said it happened on only a 22 couple of times?</p> <p>23 A. Yeah. It was maybe two or three 24 times, maybe.</p>	<p style="text-align: right;">Page 179</p> <p>1 believe.</p> <p>2 Q. Let me ask you this just frankly.</p> <p>3 When you kissed and hugged E.D., you knew that 4 was wrong, correct?</p> <p>5 A. Yeah.</p> <p>6 Q. When you had sexual intercourse 7 with her, you knew that was wrong?</p> <p>8 A. Yes.</p> <p>9 Q. You knew it was against policy, 10 right?</p> <p>11 A. Yes.</p> <p>12 Q. And you knew that it was against 13 your training, right?</p> <p>14 A. Yes.</p> <p>15 Q. And you knew that when you did 16 those things that if you had gotten caught you 17 would at least get in trouble with your 18 employer, correct?</p> <p>19 A. Oh, at least, yes.</p> <p>20 Q. Did you know that it was criminal 21 behavior at the time you were doing it?</p> <p>22 A. I don't think so, no.</p> <p>23 Q. Okay. But you knew that you 24 probably would at least lose your job --</p>
<p style="text-align: right;">Page 178</p> <p>1 Q. And is this -- how long? Can you 2 identify how long that you were -- would sit on 3 the computers with her?</p> <p>4 A. No, I don't recall.</p> <p>5 Q. I mean, it wasn't during the 6 entirety of your eight-hour shift?</p> <p>7 A. No.</p> <p>8 Q. You continued to do your job?</p> <p>9 A. Yes.</p> <p>10 Q. You -- at some point during your 11 deposition you were asked the question whether 12 you appealed the termination of your employment 13 and you said, no, you did not, and you didn't 14 want to put anybody through that I think is the 15 words that you used?</p> <p>16 A. What was that you said?</p> <p>17 Q. I think the words you used was you 18 did not want to put anybody through that?</p> <p>19 A. Yeah. I'm not sure. I spoke 20 with -- I remember speaking with my union rep. 21 I don't know if it was about the previous one or 22 if it was about that one. I don't recall.</p> <p>23 Q. But you chose not to grieve it?</p> <p>24 A. I didn't end up doing it, I don't</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Yes.</p> <p>2 Q. -- if you got caught doing those 3 things?</p> <p>4 A. Yes.</p> <p>5 Q. Did you believe that E.D. 6 believed that she would get in trouble also if 7 she was found doing those things?</p> <p>8 Did you follow that question, 9 because it might have been a horrible question, 10 and I'll rephrase it.</p> <p>11 A. No, I understand.</p> <p>12 Q. You understand? Okay.</p> <p>13 A. I'm just trying to figure out how 14 to word it. I think during this whole time like 15 she knew everything she was doing. You know 16 what I mean? It wasn't like I was -- I didn't 17 force myself on any of this.</p> <p>18 Q. And I'm going to ask you questions 19 about that.</p> <p>20 A. Oh, okay. So, then can you 21 restate that question and I'll try to give you 22 an answer for that question?</p> <p>23 Q. Yes. And I'm going to ask you a 24 few questions along those lines. I mean,</p>

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1 frankly, in the Complaint in this case she says
2 you raped her against her will, and I'm going to
3 ask you questions about that.

4 A. You don't get six to 23 months for
5 doing that.

6 Q. Yes, I understand.

7 A. Okay.

8 Q. And I want to ask you that.

9 A. Because my sentence would have
10 been a lot higher.

11 Q. You will get a chance to talk
12 about the allegations that are included in the
13 Complaint.

14 A. Love to.

15 Q. But before I get there I want
16 to -- during the time frame of your -- do you
17 mind if I call it a relationship?

18 A. That's what it was. She should be
19 calling it that, too.

20 Q. And at times she has called it
21 that.

22 So, during the course of time of
23 that relationship did you believe that she --
24 did you have reason to believe that she thought

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1 she would come back there and, you know, we
2 would kiss and hug or we would do whatever while
3 we were off -- off camera. We knew where all --
4 where we weren't on camera. She knew, as well.
5 Q. All right. So, when you had those
6 physical interactions with her you knew that you
7 were in locations that would not be captured by
8 cameras, correct?

9 A. Right, hence the part of trying to
10 conceal it because I thought like, oh, yeah, not
11 going to get in trouble.

12 Q. And she also knew that you were in
13 areas that would not be caught on camera, that's
14 what you're telling us?

15 A. Yes.

16 Q. Did you and she ever actually
17 discuss the fact that you're in an area that's
18 not covered by cameras?

19 A. Yes. That's why she would
20 always -- she would ask to go to the clothing
21 closet, which is down the medical wing where
22 there are no cameras, and there's not one in the
23 clothing closet, at least at the time when I
24 worked there.

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1 she would get in trouble if that relationship
2 was discovered?

3 A. I don't think so. She never said
4 that to me and that was never expressed at all.

5 Q. Okay. Would you agree with me
6 that because of at least your concern that you
7 could lose your job, if not more, if the
8 relationship was discovered you actively
9 concealed it?

10 A. We both did.

11 Q. You and **E.D.** both actively
12 concealed it, correct?

13 A. Yes. That's why I don't know why
14 you got all the names of these people on that
15 paper, because all those people would have
16 reported me in a second.

17 Q. And I'm going to ask you about
18 that, as well. But first what I want to do, if
19 you can explain for me what **E.D.** did to
20 conceal the relationship?

21 A. Like I say before, like when we
22 were in the laundry room or we were in -- if I
23 was -- my job to help cleaning downstairs or if
24 I was getting a mop bucket out of the kitchen,

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1 Q. Okay. And this is a location
2 where the two of you would engage in physical
3 interaction?

4 A. A couple times, yeah. That's just
5 one -- that's just one, like you said, where the
6 cameras aren't that she knew about.

7 Q. Okay.

8 A. And if I was M1 she would ask if
9 she could go back to the clothing closet.

10 Q. Okay. How are you doing, by the
11 way? Do you need a break or anything?

12 A. I'm a little amped up, but, no,
13 I'm fine.

14 Q. Okay. And I want to give you the
15 opportunity to say what you need to say.

16 A. Okay.

17 Q. On the occasions where you and she
18 would hug and/or kiss, can you estimate in any
19 way how long of a period of time you would
20 actually be in an embrace or be in a kiss?

21 A. It would be minutes.

22 Q. Okay.

23 A. It could be anywhere from a minute
24 to ten minutes.

<p style="text-align: right;">Page 185</p> <p>1 Q. Okay.</p> <p>2 A. For what you are saying there.</p> <p>3 Q. So, you would estimate that ten</p> <p>4 minutes would be the longest, not including the</p> <p>5 sexual intercourse?</p> <p>6 A. Right, right.</p> <p>7 Q. The two instances of that?</p> <p>8 A. Right.</p> <p>9 Q. The instances where you and she</p> <p>10 would kiss and/or hug the maximum length of</p> <p>11 which you are saying would be about ten minutes?</p> <p>12 A. Yeah. That would probably be a</p> <p>13 little high. I'm not sure, because there would</p> <p>14 be like the staff and like she had her lookouts</p> <p>15 there and like the staff would come by or --</p> <p>16 Q. Describe for me what you mean by</p> <p>17 she had her lookouts. And you referenced that</p> <p>18 when Miss Yeh was asking you questions. You</p> <p>19 referred to Patricia and, I'm sorry, what was</p> <p>20 the --</p> <p>21 A. Her name was Maria. I forgot her</p> <p>22 last name. I don't know Patricia's last name,</p> <p>23 either, but --</p> <p>24 Q. Interestingly, is Maria -- just as</p>	<p style="text-align: right;">Page 187</p> <p>1 MR. CONNELL: I can't read it.</p> <p>2 MS. YEH: Oh, you can't read it?</p> <p>3 MR. CONNELL: But the exhibit is</p> <p>4 part of the record. If you would like to look</p> <p>5 at it right now, feel free.</p> <p>6 MR. ARCHAMBEAULT: So, do you want</p> <p>7 to spell it for the record or --</p> <p>8 MR. CONNELL: You can do whatever</p> <p>9 you like with it. I don't mind. I don't feel</p> <p>10 the need to spell it for the record.</p> <p>11 MR. ARCHAMBEAULT: Okay.</p> <p>12 MR. CONNELL: But if you want to.</p> <p>13 MS. YEH: It looks like it might</p> <p>14 start with a Q.</p> <p>15 MR. CONNELL: But, again, it's</p> <p>16 part of the record because it's been marked as</p> <p>17 Berks County 1. And this, by the way, is the</p> <p>18 document you guys identified or produced the day</p> <p>19 before E.D. deposition.</p> <p>20 BY MR. CONNELL:</p> <p>21 Q. So, I'm sorry. Back to the</p> <p>22 reference to lookout. When you referred to them</p> <p>23 as lookouts, why did you believe they were</p> <p>24 lookouts?</p>
<p style="text-align: right;">Page 186</p> <p>1 a quick aside, do you recognize the name at the</p> <p>2 top of that document? I'm showing him Berks</p> <p>3 County 1.</p> <p>4 A. I believe that's her, yes.</p> <p>5 Q. That's her friend that you are</p> <p>6 referring to, Maria?</p> <p>7 A. Yeah, and she had a son named</p> <p>8 Jose, I believe.</p> <p>9 Q. Jose?</p> <p>10 A. Jose or Juan, one or the other.</p> <p>11 He was about 14. 13, 14.</p> <p>12 Q. Okay.</p> <p>13 A. She spoke fluent English.</p> <p>14 Q. This Maria friend?</p> <p>15 A. That's the Maria -- if that's the</p> <p>16 one that's -- it was her, Patricia and E.D..</p> <p>17 Q. Okay. And you believe that the</p> <p>18 last name indicated on the top of what we have</p> <p>19 marked as Berks County 1 is the Maria -- is the</p> <p>20 last name of the Maria you are referring to as</p> <p>21 being E.D. friend?</p> <p>22 A. It looks -- it looks similar, yes.</p> <p>23 MS. YEH: Could you just read that</p> <p>24 for the record?</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Because there was -- as the time</p> <p>2 went on, there was incidents of where like</p> <p>3 E.D. would come in, like I told you about the</p> <p>4 incident where the -- or I told her about when I</p> <p>5 went to the bathroom and she came in. Patricia</p> <p>6 basically held the door and Maria was a lookout</p> <p>7 or I saw her every time I would come out of a</p> <p>8 room or E.D. would come into it, I would come</p> <p>9 out and those two would be standing right there.</p> <p>10 Q. Did you and E.D. ever discuss</p> <p>11 the fact that they were looking out for other</p> <p>12 staff or --</p> <p>13 A. I did not know. I knew they were</p> <p>14 friends. They hung out with each other a lot,</p> <p>15 but I didn't know they were lookouts, but I kind</p> <p>16 of got that feeling towards -- as time went on.</p> <p>17 Q. Was there ever an incident where</p> <p>18 you and E.D. were in an uncameraed location</p> <p>19 engaged in either kissing or hugging where</p> <p>20 either Patricia or Maria interrupted you?</p> <p>21 A. Yes.</p> <p>22 Q. When they interrupted you on those</p> <p>23 occasions did you understand the interruption to</p> <p>24 be to give you a warning that somebody was</p>

<p style="text-align: right;">Page 189</p> <p>1 coming?</p> <p>2 A. I didn't know at the time, but as</p> <p>3 I reflect back on it now, yeah.</p> <p>4 Q. Okay. That's what your belief was</p> <p>5 in hindsight, that that's what --</p> <p>6 A. In hindsight, yeah. Somebody</p> <p>7 banging on the door. I didn't -- that was a</p> <p>8 clue for her to get out.</p> <p>9 Q. Did you personally ever have a</p> <p>10 concern if you were engaged in hugging or</p> <p>11 kissing that you should have had a lookout, or</p> <p>12 did you rely upon maybe these two folks would</p> <p>13 cover your back?</p> <p>14 A. No, I wasn't in cahoots with them.</p> <p>15 I wasn't in cahoots with all three of them. I</p> <p>16 didn't know about the other two. I knew they</p> <p>17 were friends.</p> <p>18 Q. Right. I guess --</p> <p>19 A. But I didn't catch onto the</p> <p>20 whole --</p> <p>21 Q. Lookout?</p> <p>22 A. -- lookout thing until later,</p> <p>23 until it was too late.</p> <p>24 Q. Okay. But my question -- I guess</p>	<p style="text-align: right;">Page 191</p> <p>1 Q. Jamie Himmelberger?</p> <p>2 A. Yes.</p> <p>3 Q. Matt Malinowski?</p> <p>4 A. Yes.</p> <p>5 Q. Erika Taylor?</p> <p>6 A. Yes.</p> <p>7 Q. Brittany Rothermel?</p> <p>8 A. Yes.</p> <p>9 Q. John Behm?</p> <p>10 A. Yes.</p> <p>11 Q. Now -- and there's been testimony</p> <p>12 to this. Brittany, Erika, Matt and Jamie have</p> <p>13 all testified that they were on the second</p> <p>14 shift. Would you agree with that?</p> <p>15 A. Yes.</p> <p>16 Q. John Behm testified that he was a</p> <p>17 second shift SCC/kitchen --</p> <p>18 A. Yes.</p> <p>19 Q. -- employee. You agree with that?</p> <p>20 A. Yes, I do.</p> <p>21 Q. Would you agree that Mr. Behm</p> <p>22 spent the bulk of his time if not the entirety</p> <p>23 of his time in the kitchen area?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 190</p> <p>1 my question is is it fair to say you never had</p> <p>2 your own lookouts?</p> <p>3 A. No, I didn't.</p> <p>4 Q. You did not?</p> <p>5 A. No.</p> <p>6 Q. Okay. And -- okay. The other</p> <p>7 people that you mentioned on the papers and you</p> <p>8 don't know why they are there, I'm going to run</p> <p>9 through a few names for you just so that we're</p> <p>10 clear as to who we are talking about.</p> <p>11 A. Okay.</p> <p>12 Q. Jamie Himmelberger?</p> <p>13 A. Yes.</p> <p>14 Q. Matt Malinowski?</p> <p>15 A. Yes.</p> <p>16 Q. Erika Taylor?</p> <p>17 A. Yes. You asked me if I knew who</p> <p>18 they were, if I worked with them or recognize</p> <p>19 the names?</p> <p>20 Q. Well, that's fair, because I</p> <p>21 probably wasn't clear enough. Let's step back</p> <p>22 and start all over. If you can tell me are they</p> <p>23 folks that you worked with.</p> <p>24 A. Okay.</p>	<p style="text-align: right;">Page 192</p> <p>1 Q. Let me ask you this: At any time</p> <p>2 when you were engaged in a kiss or hug with</p> <p>3 Miss -- with E.D. did any -- to your</p> <p>4 knowledge, any staff ever see you?</p> <p>5 A. Not to my knowledge, no.</p> <p>6 Q. Okay. Do you have any reason to</p> <p>7 believe that any staff ever saw you engaged in a</p> <p>8 kiss or a hug?</p> <p>9 A. Can you say that again?</p> <p>10 Q. Do you have any reason to believe</p> <p>11 that any staff ever saw you engage in a kiss or</p> <p>12 a hug with E.D.?</p> <p>13 A. No.</p> <p>14 Q. When -- on the two instances where</p> <p>15 you and E.D. engaged in sexual intercourse do</p> <p>16 you have any knowledge that any staff saw you</p> <p>17 engage in that behavior?</p> <p>18 A. No.</p> <p>19 Q. Do you have any reason to believe</p> <p>20 that any -- any staff -- and you might have</p> <p>21 answered this question already, and my apologies</p> <p>22 if you did -- saw you enter the downstairs</p> <p>23 female bathroom where you and E.D. engaged in</p> <p>24 sexual intercourse?</p>

<p style="text-align: right;">Page 193</p> <p>1 A. No.</p> <p>2 Q. Okay. And, I'm sorry. Where was</p> <p>3 the other room where you and E.D. engaged in</p> <p>4 sexual intercourse?</p> <p>5 A. It was upstairs on B floor, last</p> <p>6 room on the right.</p> <p>7 Q. What you believe to be Patricia's</p> <p>8 bedroom?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any reason to believe</p> <p>11 that any staff member saw you engage in sexual</p> <p>12 intercourse in that room?</p> <p>13 A. No.</p> <p>14 Q. No staff member walked in on you</p> <p>15 at any point when you were engaged in sexual</p> <p>16 intercourse?</p> <p>17 A. No.</p> <p>18 Q. No staff member ever walked in on</p> <p>19 you when you were engaged in a hug or a kiss</p> <p>20 with E.D.?</p> <p>21 A. No.</p> <p>22 Q. And this is going to seem</p> <p>23 ridiculously repetitive, but so that the record</p> <p>24 is clear, I'm going to ask you those same</p>	<p style="text-align: right;">Page 195</p> <p>1 Q. Do you have any reason that</p> <p>2 Brittany Rothermel ever engaged -- strike that.</p> <p>3 Do you have any reason to believe</p> <p>4 that Brittany Rothermel ever saw you in a hug,</p> <p>5 kiss, engaged in sexual intercourse or have any</p> <p>6 other physical contact with E.D.?</p> <p>7 A. No.</p> <p>8 Q. Do you have any reason to believe</p> <p>9 that John Behm ever saw you engage in a hug,</p> <p>10 kiss, sexual intercourse or other physical</p> <p>11 contact with E.D.?</p> <p>12 A. No.</p> <p>13 Q. Do you have any reason to believe</p> <p>14 that Diane Edwards ever saw you engage in a hug,</p> <p>15 kiss, sexual intercourse or other physical</p> <p>16 contact with E.D.?</p> <p>17 A. No.</p> <p>18 Q. Your last date of employment was</p> <p>19 August 18th, 2014. Does that sound right to</p> <p>20 you?</p> <p>21 A. My last date of employment?</p> <p>22 Q. Okay. Thanks for clarifying,</p> <p>23 because that was probably a bad question. You</p> <p>24 were put out on administrative leave on August</p>
<p style="text-align: right;">Page 194</p> <p>1 questions about each of those individuals we</p> <p>2 just identified as being your coworkers during</p> <p>3 the period of time. Okay?</p> <p>4 A. Okay.</p> <p>5 Q. If you can just bear with me, I</p> <p>6 think it's something that needs to be seen or</p> <p>7 heard on the record. Okay?</p> <p>8 A. Okay.</p> <p>9 Q. Do you have any reason to believe</p> <p>10 that Jamie Himmelberger ever saw you engage in a</p> <p>11 hug, kiss or any other physical contact between</p> <p>12 you and E.D.?</p> <p>13 A. No.</p> <p>14 Q. Do you have any reason to believe</p> <p>15 that Matt Malinowski ever saw you engage in a</p> <p>16 hug, a kiss, sexual intercourse or any other</p> <p>17 physical contact between you and E.D.?</p> <p>18 A. No.</p> <p>19 Q. Same question with regard to Erika</p> <p>20 Taylor. Do you have any reason to believe that</p> <p>21 she ever saw you engage in a hug, kiss or other</p> <p>22 physical contact or sexual intercourse with</p> <p>23 E.D.?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 196</p> <p>1 18th, 2014, correct?</p> <p>2 A. I don't know. That sounds about</p> <p>3 right.</p> <p>4 Q. It was sometime in mid-November?</p> <p>5 A. It was the middle of August.</p> <p>6 Q. The middle of August?</p> <p>7 A. Yeah. I wasn't sure if it was the</p> <p>8 16th or the 18th. I'm not sure.</p> <p>9 Q. Okay. Your employment was</p> <p>10 terminated on September 11th, 2014?</p> <p>11 A. Yes.</p> <p>12 Q. Between the time that you were put</p> <p>13 on administrative leave and the time that you --</p> <p>14 your employment was terminated you spoke -- you</p> <p>15 had a sit-down with Diane Edwards and Dave Smith</p> <p>16 to discuss the allegations, correct?</p> <p>17 A. Yes.</p> <p>18 Q. By the way, did you ever come to</p> <p>19 learn how it was that this whole thing came out?</p> <p>20 A. Just from --</p> <p>21 Q. If it's from your conversation</p> <p>22 with Mr. Sadonsky that --</p> <p>23 A. No, it's not.</p> <p>24 Q. Okay.</p>

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1 A. I think it was from the Bern
 2 Township Police or somebody -- it was somebody
 3 that was doing the investigation that said.
 4 Q. Did you sit down with the Bern
 5 Township Police?
 6 A. Never.
 7 Q. Okay. Just by way of background,
 8 the records indicate that some residents came to
 9 staff at some point in August and said they want
 10 to tell about what they believe is a
 11 relationship between you and [REDACTED] E.D. Is
 12 that your understanding of how it came out?
 13 A. Yes.
 14 Q. Do you know there's testimony in
 15 this case and there are records to suggest that
 16 a young girl walked into the bathroom, the first
 17 floor female bathroom when you and [REDACTED] E.D. were
 18 engaged in sexual intercourse? Is it your
 19 understanding that that occurred?
 20 A. Yeah. She walked in there, yes.
 21 Q. And is it your understanding that
 22 it was within a few days' time of that incident
 23 where the girl walked in that residents
 24 approached staff and told them about what was

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1 2014 had you ever told anybody that was employed
 2 with Berks County that you and [REDACTED] E.D.
 3 hugged, kissed or engaged in sexual intercourse?
 4 A. Yes.
 5 Q. Who did you tell?
 6 A. Darrius Palmer.
 7 Q. And when did you tell Darrius
 8 Palmer?
 9 A. He was my inside -- inside man
 10 that was telling me what was going on inside of
 11 there, because I met up with him on the outside,
 12 he texted me. That was my contact on the
 13 inside.
 14 Q. And when you told him about this
 15 was it after you were put on administrative
 16 leave?
 17 A. He knew about it, because he sent
 18 me a picture of [REDACTED] E.D. on his phone when
 19 I was on vacation in the Outer Banks. So, he
 20 knew about it prior to anybody.
 21 Q. He sent you a picture?
 22 A. Yep, of her undressed or she took
 23 his phone or something, but somebody sent me a
 24 picture of her in her bra and panties while I

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1 going on?
 2 A. Yes, as far as I know.
 3 Q. Okay. And it was after you
 4 were -- and you were put on administrative leave
 5 sometime in mid-August and terminated in
 6 September 11, 2014. Between those two periods
 7 of time is when you sat down with Dave Smith and
 8 Diane Edwards?
 9 A. It was -- it was a couple days
 10 after, yeah. It was like the Tuesday or
 11 Wednesday.
 12 Q. A couple days after you were put
 13 on administrative leave?
 14 A. I believe it was that next week,
 15 yes. I knew everything that was going on.
 16 Q. What do you mean you knew?
 17 A. I knew about the investigation, I
 18 knew who was there, I knew the feds were there.
 19 I knew everything. There was somebody in there
 20 who was telling me everything, so --
 21 Q. Okay. Well, before I -- let me
 22 ask you -- and I can ask you about that, but
 23 before I ask you about that, prior to -- perhaps
 24 even prior to today but prior to September 11th,

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1 was on vacation in the Outer Banks, and it was
 2 on his phone.
 3 Q. Other than Darrius Palmer, do you
 4 have reason to believe -- did you tell anybody
 5 else about your relationship with [REDACTED] E.D.?
 6 A. Of that list of employees or just
 7 you said anybody?
 8 Q. Well, that list of employees,
 9 anybody on that list?
 10 A. No, I didn't tell any -- I didn't
 11 tell any of them, no. That's why I was
 12 surprised when Darrius Palmer's name wasn't on
 13 that list. He should probably be the only one
 14 on that list.
 15 Q. Okay. One moment.
 16 When was the last time you spoke
 17 to Darrius Palmer?
 18 A. I spoke with him all through that
 19 summer into that fall. That was probably
 20 about -- that was probably about the end of it.
 21 Q. When you sat down with Dave Smith
 22 and Diane Edwards a couple days after going out
 23 on administrative leave do you know if one of
 24 them or both of them were taking notes of the

<p>1 conversation?</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. Is it fair to say that</p> <p>4 during your conversation with them you were not</p> <p>5 truthful?</p> <p>6 A. No. I lied.</p> <p>7 Q. When you lied, did you lie not</p> <p>8 just about yourself but anything that they --</p> <p>9 and I don't know -- strike that.</p> <p>10 Did they ask you anything about</p> <p>11 Darrius?</p> <p>12 A. I don't remember.</p> <p>13 Q. If they did ask you anything about</p> <p>14 Darrius would you have lied about that, as well?</p> <p>15 A. Probably at that time, yes.</p> <p>16 Q. So, you -- if anybody asked you</p> <p>17 about Darrius at that time you would have</p> <p>18 covered for him?</p> <p>19 A. Well, I have covered for him since</p> <p>20 2014. So, yeah.</p> <p>21 Q. Okay. Can you tell us the</p> <p>22 approximate dates of your vacation to the Outer</p> <p>23 Banks back in August of 2014?</p> <p>24 A. That was the first week in August.</p>	<p>Page 201</p>	<p>Page 203</p>
<p>1 Q. First full week of August?</p> <p>2 A. First week of August, I believe,</p> <p>3 yes.</p> <p>4 Q. All right. There are records</p> <p>5 indicating that you were off August 3rd through</p> <p>6 August -- returned to work on August 9th, 2014.</p> <p>7 Does that sound about right?</p> <p>8 A. That sounds about right, yes.</p> <p>9 Q. Do you believe that Darrius</p> <p>10 concealed his knowledge of your relationship</p> <p>11 with E.D.?</p> <p>12 A. Yes, because I read his statement</p> <p>13 in here and it's -- he didn't tell everything</p> <p>14 that he should have been telling.</p> <p>15 Q. When he gave a statement to the</p> <p>16 Bern Township Police?</p> <p>17 A. I don't know who the statement is</p> <p>18 for. I would assume it's for the Bern Township</p> <p>19 Police or the feds that were there. They were</p> <p>20 doing the investigation. He made it sound like</p> <p>21 he didn't know anything.</p> <p>22 Q. And you believe that that is not</p> <p>23 truthful?</p> <p>24 A. That's a lie.</p>	<p>Page 202</p>	<p>Page 204</p>

<p style="text-align: right;">Page 205</p> <p>1 Q. Which came first, the cell phone 2 or the -- 3 A. The ring. 4 Q. And to this day you never got the 5 ring back? 6 A. No, or the phone. 7 Q. Do you have any idea where the 8 phone ended up? 9 A. No idea. 10 Q. I thought you said you got the 11 phone back that day before you left the 12 facility? 13 A. Oh, I mean like once the feds came 14 and took it and the police and -- I mean, I'm 15 saying like I physically don't have that phone. 16 Q. They seized that phone as a result 17 of the criminal investigation? 18 A. They had a search warrant for the 19 phone. Like once I gave them the phone, then 20 the phone was gone. But I did have that same 21 phone in my hand when they came to get it. 22 Q. Were there pictures of E.D. on 23 the phone? 24 A. Yes.</p>	<p style="text-align: right;">Page 207</p> <p>1 code. Did you ever hear that before? 2 A. Never heard that. No. 3 MS. AMBROSE: It's 44, if that's 4 what you're looking for. 5 MR. CONNELL: Thank you. 6 BY MR. CONNELL: 7 Q. I'm going to show you two 8 documents that have previously been marked as 9 exhibits Berks County 43, which you might have 10 been asked about already, and I apologize if you 11 did. 43. 12 A. Uh-huh. 13 Q. Is 43 -- and that's 44, if you 14 want to take a moment to look at them. 15 A. Yep. 16 Q. Okay. Well, my first question, 17 43, just to get it out of the way, is that the 18 ring we're talking about? 19 A. Yes. 20 Q. And would it surprise you if you 21 learned that that ring was found by a staff 22 member in September of 2014 in E.D. -- well, 23 E.D. removed it from her bra? 24 A. Would it surprise me?</p>
<p style="text-align: right;">Page 206</p> <p>1 Q. And did you ever share those 2 pictures with anybody? 3 A. No. I deleted them off. When I 4 got home, I saw them on there and I believe I 5 deleted them that night or the next day. 6 Q. Were those pictures -- was E.D. 7 clothed or not? 8 A. She had undergarments on. 9 Q. And it's your understanding that 10 either she or one of her friends at the facility 11 took those pictures? 12 A. Yes. I'm pretty -- I don't know 13 who it was, but I'm pretty sure it was Patricia. 14 Q. You did not take them? 15 A. I did not take those pictures, no. 16 Q. Did she -- did you ever discuss 17 with her those pictures? 18 A. No. 19 Q. At a point after September 11th, 20 2014 also -- the ring was found in E.D. bra. 21 Did you ever know that? 22 A. Never knew that. 23 Q. Also found in her room was a piece 24 of paper with your name on it and a four digit</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Would that surprise you? 2 A. No. 3 Q. Why would it not surprise you? 4 A. Because she took it. She wouldn't 5 give it back. 6 Q. Did she ever express particular 7 interest in your ring? 8 A. No. They wanted to check out the 9 Gallic writing, Patricia did, and that's the 10 last time I saw it. 11 Q. Okay. Prior to the date where 12 they took the ring and didn't return it to you 13 was there any discussion about that ring -- 14 A. No. 15 Q. -- with them? 16 A. No. That was given to me by my 17 wife. 18 Q. You have had a moment to look at 19 Berks 44. 20 A. I did, yes. 21 Q. Have you ever seen that document 22 before? 23 A. I've never seen it, no. 24 Q. Beside your name is a series of</p>

<p>1 numbers.</p> <p>2 A. Yes.</p> <p>3 Q. It looks like 6073?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Does that number mean anything to</p> <p>6 you?</p> <p>7 A. It doesn't ring any bells, no. I</p> <p>8 don't know. Unless somebody -- unless that was</p> <p>9 like my code for my phone or something like that</p> <p>10 and she might have saw me punch it in or</p> <p>11 something. I don't know.</p> <p>12 Q. But it doesn't otherwise mean</p> <p>13 anything to you?</p> <p>14 A. No.</p> <p>15 Q. Are you familiar with the term</p> <p>16 hygiene check?</p> <p>17 A. Yes.</p> <p>18 Q. What does hygiene check mean to</p> <p>19 you?</p> <p>20 A. Where you go into the resident's</p> <p>21 room with the resident and kind of do like an</p> <p>22 overall inspection of their living quarters.</p> <p>23 Q. And is it your understanding that</p> <p>24 the -- what is your understanding of the purpose</p>	<p>Page 209</p>	<p>1 page that you signed off on, can you -- in</p> <p>2 your -- you wrote it. Can you read what you</p> <p>3 wrote there just so that it's clear for the</p> <p>4 record?</p> <p>5 A. I do not agree with these</p> <p>6 statements presented as facts by the county. I,</p> <p>7 Daniel Sharkey, will attach a statement at a</p> <p>8 later date prior to grievance proceedings.</p> <p>9 Q. Okay. Thank you.</p> <p>10 You were asked questions with</p> <p>11 regards to other staff members sending E.D. to</p> <p>12 you.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Do you recall talking about that?</p> <p>15 A. I do, yes.</p> <p>16 Q. All right. Can you describe what</p> <p>17 you mean by that? Let me rephrase the question.</p> <p>18 If -- by implication if you</p> <p>19 believe somebody is sending someone to you, that</p> <p>20 means you are somewhere else, will you agree</p> <p>21 with that?</p> <p>22 A. Right.</p> <p>23 Q. So, if, for example, you were on</p> <p>24 the outside shift and E.D. showed up on your</p>
<p>1 of those checks?</p> <p>2 A. Make sure -- I mean, for disease</p> <p>3 and bacteria and, you know, viruses and just</p> <p>4 keep the facility clean overall.</p> <p>5 Q. The idea is to continue the</p> <p>6 protection and the safety of the residents?</p> <p>7 A. Yeah. All the residents, yeah,</p> <p>8 and who they are living with and staff.</p> <p>9 Q. Do you have an understanding --</p> <p>10 strike that.</p> <p>11 Have you had any contact with</p> <p>12 E.D. since you were put on administrate</p> <p>13 leave --</p> <p>14 A. No.</p> <p>15 Q. -- from the county?</p> <p>16 A. No.</p> <p>17 Q. Referring -- this is a document</p> <p>18 you already saw today. It's just my copy of it,</p> <p>19 Berks 54.</p> <p>20 A. Okay.</p> <p>21 Q. It should still be in front of you</p> <p>22 somewhere.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Turning to where you signed -- the</p>	<p>Page 210</p>	<p>1 post on the outside post, you believe someone</p> <p>2 sent her to you?</p> <p>3 A. I mean --</p> <p>4 Q. What --</p> <p>5 A. Go ahead.</p> <p>6 Q. What would -- what would that</p> <p>7 belief be based upon if you weren't there in the</p> <p>8 first instance?</p> <p>9 A. Because there was staff members</p> <p>10 that told me themselves that they would send</p> <p>11 them to me.</p> <p>12 Q. Okay. And what staff members, by</p> <p>13 the way, would tell you that?</p> <p>14 A. I don't know. It could just be</p> <p>15 random ones. It was guys that thought this was</p> <p>16 funny.</p> <p>17 Q. Would you agree with me it's not</p> <p>18 any of the names of people who are identified as</p> <p>19 defendants in this case?</p> <p>20 A. No, not -- not -- not that list</p> <p>21 you read, no.</p> <p>22 Q. Okay. And when we say the term</p> <p>23 sending to, if -- perhaps it's a hypothetical,</p> <p>24 perhaps it's not. If E.D. goes to the desk on</p>

<p style="text-align: right;">Page 213</p> <p>1 B1 and asks where you are -- 2 A. Uh-huh. 3 Q. -- would your expectation be that 4 the staff member would or would not say, oh, 5 Sharkey is down working outside today and tell 6 her where you are? 7 A. I guess they would tell her. I 8 mean -- 9 Q. Is it your understanding that 10 that's how it happened when they sent her to 11 you? 12 A. Maybe earlier on, but as time -- 13 as this became a joke to everybody, even when we 14 were down at briefing this was a joke. This 15 was -- you know, E.D. was -- they were letting 16 E.D. do her laundry on second shift, they cut 17 it to first. They let her do hers on second 18 shift. I mean, they made exceptions for her so 19 if I went in the laundry room, she would ask me 20 for laundry soap. It was -- it was a joke. So, 21 yeah, I mean, everybody thought it was a joke. 22 Q. Who's everybody who thought it was 23 a joke? 24 A. Everybody that was on my shift.</p>	<p style="text-align: right;">Page 215</p> <p>1 Q. Okay. After how long a period of 2 time? 3 A. I don't know. After a couple 4 weeks of her being there. Two to three weeks, 5 two weeks. I don't know how long she was there 6 for, but -- 7 Q. Did you ever tell any of those 8 folks that you engaged in physical contact with 9 her? 10 A. The ones on that list? 11 Q. No. Len Kopetsky or Jason Mills? 12 A. Well, I spoke of the one incident 13 where I was kind of trapped in one of the 14 resident rooms. That was a physical 15 altercation. I mean, there was no -- like 16 nothing sexual, but, I mean, yeah, she -- I 17 was -- I was having trouble getting out of the 18 room. 19 Q. Was that before or after the first 20 time you and she engaged in a kiss? 21 A. Before. 22 Q. Okay. 23 A. This kind of snowballed. It kind 24 of started out as like petty high school stuff</p>
<p style="text-align: right;">Page 214</p> <p>1 Q. Including the people who we have 2 talked -- 3 A. No, they didn't. No. These 4 people -- no. That's why I don't understand 5 these people. Jamie -- Jamie never did 6 anything. If anything, Jamie was helping me 7 out, but, no. I mean, no, nobody on that list. 8 Malinowski didn't do anything. Those people 9 didn't do anything to justify being on that 10 list. The only person that knew about it was 11 Darrius Palmer, but everybody was -- no one on 12 that list joked about it, but here was like -- 13 like Dan Hollinger would think this was a joke 14 and, you know, Darrius thought it was a joke, 15 and -- you know, it was every day at briefing. 16 It was every fricking day. The supervisors knew 17 about it. 18 Q. What supervisors knew about it? 19 A. Jason Mills and Len Kopetsky. 20 Every day when I come into briefing. Oh, she 21 waited to do her laundry on second shift. That 22 must be for Sharkey. It was a daily -- a daily 23 thing after awhile, after a certain period of 24 time.</p>	<p style="text-align: right;">Page 216</p> <p>1 and it kind of just grew from there. 2 Q. But you will agree with me that 3 you never told Len Kopetsky or Jason Mills that 4 you and she were engaged in kissing? 5 A. No. He -- they knew, because the 6 one comment that Jason Mills made was we got a 7 bunch of John Reiches working here, and that was 8 in front of everybody. 9 Q. What did you mean by that? 10 A. Well, John Reich was a former 11 employee that had a similar situation to mine. 12 Not so extreme, but -- 13 Q. And when was that? 14 A. That was over in the old building, 15 I'm assuming. 16 Q. When you say a similar situation 17 not as extreme as yours -- 18 A. He was hitting on females and had 19 some run-ins with female residents there, as 20 well. 21 Q. Did you have reason to believe 22 that he engaged in sexual contact or conduct 23 with female residents? 24 A. I never worked with John Reich. I</p>

<p style="text-align: right;">Page 217</p> <p>1 was working the detention center.</p> <p>2 Q. So, you are speaking of an 3 individual, an employee which you were not 4 employed there at the time?</p> <p>5 A. Well, I knew John.</p> <p>6 Q. Okay.</p> <p>7 A. Everybody knew what John's 8 situation was.</p> <p>9 Q. All right. And --</p> <p>10 A. I'm just telling you about the 11 comment he made. I don't -- you know, I don't 12 care about John. You know what I mean? I'm 13 just telling you about the comment was made. I 14 mean, people knew -- you know, knew about it.</p> <p>15 Q. Knew about -- what do you believe 16 that people knew about? That's what I'm asking 17 you.</p> <p>18 A. They knew that we were having a 19 relationship in the facility.</p> <p>20 Q. Who knew that?</p> <p>21 A. Specifically?</p> <p>22 Q. Yes.</p> <p>23 A. I guess most of the people that 24 worked there.</p>	<p style="text-align: right;">Page 219</p> <p>1 - - -</p> <p>2 BY MR. CONNELL:</p> <p>3 Q. During a break in the deposition, 4 Mr. Sharkey, you were kind enough to open up the 5 contents of the box you brought with you today 6 and we attorneys have had an opportunity to 7 review -- at least thumb through the records, 8 and for the most part it appears to be for the 9 most part records that have been generally 10 produced through discovery or otherwise publicly 11 available, such as criminal pleading records. 12 You also have a stack of audio and video -- or 13 CDs, and you have indicated that you don't know 14 what's on them. They are marked. We have all 15 looked at them. What I would ask is on the 16 record that you acknowledge that you cannot let 17 anything happen to these records or documents, 18 videos. That you must preserve them. Do you 19 understand that?</p> <p>20 A. Gotcha.</p> <p>21 Q. At least for the purposes of this 22 civil litigation.</p> <p>23 A. It's going to go right back down 24 into my basement.</p>
<p style="text-align: right;">Page 218</p> <p>1 Q. We went through the list of people 2 that we --</p> <p>3 A. I'm not here to throw people under 4 the bus.</p> <p>5 Q. And I'm not asking you to throw 6 people under the bus.</p> <p>7 A. Okay. I don't -- I don't want to 8 even get in that game, but I'm just -- Darrius 9 is the guy that knew -- knows everything. 10 Darrius is -- why he's not on that list is 11 beyond me. Why Malinowski is on that list and 12 John Behm it's crazy. I don't even understand. 13 But -- or Jamie or Erika. 14 I mean, Jamie told me to watch out 15 for her so -- at one point. So, I mean --</p> <p>16 Can we take a break for a minute?</p> <p>17 Q. Of course.</p> <p>18 A. I need to use the bathroom.</p> <p>19 Q. Yes, please.</p> <p>20 A. Sort of calm down a little bit. 21 MR. CONNELL: Absolutely. 22 - - - 23 (Whereupon, a short recess 24 occurred.)</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. We are also trying to get access 2 to those records, too, but if for some reason --</p> <p>3 A. I can -- I'm sorry.</p> <p>4 Q. If for some reason we are unable 5 to, through our respective clients or local 6 police departments we are not able to get these, 7 we may ask you to bring them again at a mutually 8 convenient time, place and location that we can 9 sit and review them.</p> <p>10 A. I understand.</p> <p>11 Q. I hope to not have to put you 12 through that, and we can probably do it on our 13 own, but it will be vital that you not let 14 anything happen to those. They are technically 15 evidence in this case.</p> <p>16 A. Right. That's why -- this is the 17 first I've even looked at the box. I actually 18 looked at it when Alan gave it to me, but, yeah, 19 I understand. I'll take care of them.</p> <p>20 MR. CONNELL: I appreciate that. 21 And I appreciate, Mrs. Sharkey, that you 22 assisted with that process.</p> <p>23 MRS. SHARKEY: No problem. 24 MR. CONNELL: We're back off the</p>

<p>1 record.</p> <p>2 - - -</p> <p>3 (Whereupon, a short recess</p> <p>4 occurred.)</p> <p>5 - - -</p> <p>6 BY MR. CONNELL:</p> <p>7 Q. And, actually, I'm going to have a</p> <p>8 few documents to show you and I'm not going to</p> <p>9 spend a lot of time -- detail of going through</p> <p>10 them. It will take a few minutes for us to go</p> <p>11 through each one kind of mechanically, but that</p> <p>12 won't take a lot of time. And I have just a few</p> <p>13 more questions.</p> <p>14 Now, you have been sued as a party</p> <p>15 in this case. Do you understand that?</p> <p>16 A. Yes.</p> <p>17 Q. And I don't know if you have ever</p> <p>18 received it or not, but there has been multiple</p> <p>19 Complaints filed in this case. A Complaint is a</p> <p>20 document that initiates the litigation. It's</p> <p>21 where E.D. brings her allegations against</p> <p>22 everybody who is named. All right.</p> <p>23 On May 30th of this year the most</p> <p>24 recent Complaint was filed. It's the Third</p>	<p>Page 221</p> <p>1 that?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you believe that the</p> <p>4 relationship between and she was mutual?</p> <p>5 A. Yes, and consensual.</p> <p>6 Q. It was consensual?</p> <p>7 A. Yeah.</p> <p>8 MS. YEH: Objection to the extent</p> <p>9 it calls for a legal conclusion.</p> <p>10 BY MR. CONNELL:</p> <p>11 Q. Do you believe that -- and I</p> <p>12 apologize for prying. Do you believe that you</p> <p>13 and Ms. E.D. had feelings for each other?</p> <p>14 A. At one point, yes.</p> <p>15 Q. Did she express those feelings to</p> <p>16 you?</p> <p>17 A. Yes.</p> <p>18 Q. And what did she say in terms of</p> <p>19 expressing her feelings to you?</p> <p>20 A. I don't know. At one point she</p> <p>21 wrote me like a letter and -- I mean, she</p> <p>22 took -- for some reason she used to take my like</p> <p>23 sweaty T-shirt when I was outside playing</p> <p>24 soccer. You know, just little stupid stuff like</p>
<p>Page 222</p> <p>1 Amended Complaint. Do you recall ever seeing</p> <p>2 that document?</p> <p>3 A. I do. I think I have them all</p> <p>4 through e-mail through your office and I think</p> <p>5 as well as -- I'm fortunate enough to get copies</p> <p>6 of those. I don't really read too much into</p> <p>7 them, but -- it's like a different language to</p> <p>8 me sometimes.</p> <p>9 Q. And in a lot of instances it</p> <p>10 almost is a different language, so I can</p> <p>11 appreciate that. But I'm going to -- I want to</p> <p>12 go through a few of these things. And I'm going</p> <p>13 to read them to you and, I apologize, but I</p> <p>14 don't have a copy of this document with me. I</p> <p>15 only have the one that has my notes on it which</p> <p>16 I should not share with anybody. And if you can</p> <p>17 just bear with me.</p> <p>18 There's an allegation in this</p> <p>19 Complaint that you were grooming E.D. by</p> <p>20 bestowing favors on her, including allowing her</p> <p>21 to use the cell phone, allowing her to call her</p> <p>22 mother, to take pictures, use the internet,</p> <p>23 giving toys and clothes to her and her son.</p> <p>24 Do you believe that you were doing</p>	<p>Page 224</p> <p>1 that.</p> <p>2 Q. Did you believe there was an</p> <p>3 emotional attachment?</p> <p>4 A. Yes, for a certain period of time.</p> <p>5 Q. Did you ever promise to help her</p> <p>6 with her immigration issues?</p> <p>7 A. No.</p> <p>8 Q. Did you ever believe that you had</p> <p>9 the authority to help her with her immigration</p> <p>10 issues?</p> <p>11 A. No.</p> <p>12 Q. I asked you a little while ago if</p> <p>13 you believe that there was -- there may have</p> <p>14 been some blackmail going on from her to you.</p> <p>15 Do you believe that she engaged in any sort of</p> <p>16 relationship with you in order to assist her</p> <p>17 asylum proceedings?</p> <p>18 MS. YEH: Objection. It calls for</p> <p>19 speculation, but you may answer.</p> <p>20 BY MR. CONNELL:</p> <p>21 Q. I'm asking you what you believe.</p> <p>22 A. Yes, I do.</p> <p>23 Q. And why is it that you have that</p> <p>24 belief?</p>

<p style="text-align: right;">Page 225</p> <p>1 A. At one point when she got, I 2 guess, news from her attorneys or from her 3 asylum people or whoever that she would possibly 4 get deported everything kind of amped up a 5 little bit. Everything kind of multiplied. 6 Q. Okay. What do you mean by that? 7 A. Like she was like more into me at 8 that point, and it was like more -- you know, 9 she was everywhere I was. It was more than 10 normal after she -- there was a group of people 11 that got some bad news about possibly being 12 deported or whatever the step was in the process 13 where they got bad news. 14 Q. Okay. 15 A. And she happened to be one of 16 them, I believe. There was a couple of them. I 17 forget who the other ones were, but -- 18 Q. And did she share that with you? 19 A. She did, yes. 20 Q. Okay. And based upon the timing 21 of her affections for you, is that a fair way to 22 say it? 23 A. Uh-huh. 24 Q. You believe that there was a</p>	<p style="text-align: right;">Page 227</p> <p>1 Q. So, she -- 2 A. But she would start talking about 3 family and living together and that kind of 4 stuff. 5 Q. With you and she? 6 A. Right, right. 7 Q. And did you reciprocate those 8 conversations? 9 A. I didn't. I always told her that 10 she was -- her anticipation was to go down to 11 live with her mom I believe somewhere in 12 Georgia, and I always said when you get down 13 there you'll meet somebody down there and you'll 14 forget all about, you know, ever being here. 15 Q. She goes on to allege that you -- 16 that you initiated the touching of her and that 17 you kissed her in the laundry room. Did you 18 ever forcibly kiss her in the laundry room? 19 A. No. Everything we did was 20 consensual and mutual. There was no force or 21 anything like that or violence or whatever. 22 Q. Did she ever indicate to you that 23 she was ever upset with the attention you gave 24 her?</p>
<p style="text-align: right;">Page 226</p> <p>1 connection between her outward affections for 2 you and the timing of her receiving bad news on 3 her immigration proceedings? 4 A. Yes. 5 Q. Did she ever express that to you 6 verbally? 7 A. About her getting bad news or all 8 that kind of together? 9 Q. Well, let's start with her getting 10 the bad news with regards to her immigration 11 proceedings? 12 A. She did let me know that, as did 13 other residents. But, yeah, she did. 14 Q. And after she let you know that 15 did she ever discuss with you its connection to 16 her relationship with you? 17 A. Yes. She had talked about -- 18 towards the end about having children at one 19 point. 20 Q. Having children with you? 21 A. After that time, after that. 22 That's why kind of like when I say it got amped 23 up a little bit or multiplied after that before, 24 you know, I lost my job.</p>	<p style="text-align: right;">Page 228</p> <p>1 A. No. 2 Q. Did you ever become angered or 3 insulted when she refused to touch you? 4 A. No. 5 Q. She indicates that on a Sunday 6 afternoon at around 3:00 p.m. in, approximately, 7 July that you followed her into the ladies' room 8 and forced her to engage in sexual intercourse. 9 Did you ever force her to engage in sexual 10 intercourse? 11 A. No, never. 12 Q. Did -- do you recall whether there 13 was ever even any intercourse in July after -- 14 A. I was off on Sundays and Mondays, 15 so that would have been a weird day. Like it 16 had to have been like a switch or something. 17 Q. You also indicated that the sexual 18 intercourse did not occur until after your 19 vacation in the Outer Banks, correct? 20 A. That was the second -- the second 21 time. My wife just informed me that my Outer 22 Banks trip was in June. 23 Q. Okay. Now -- so, you had a June 24 Outer Banks?</p>

<p style="text-align: right;">Page 229</p> <p>1 A. June Outer Banks and I think went 2 to Vermont in August. 3 Q. Okay. So, you were off for a week 4 in August? 5 A. Yes. 6 Q. And was the sexual intercourse 7 before or after your week off in August? 8 A. After. 9 Q. It was after? 10 A. It was that last -- it was that 11 16th or whatever. Whatever that Saturday was. 12 Q. Okay. So, were both instances of 13 sexual intercourse after the week off in August? 14 A. No, I don't think so. 15 Q. You had previously testified that 16 there were only a couple days between the 17 instances of sexual intercourse. 18 A. You keep saying Outer Banks, 19 though. I think we went to -- oh, this is my 20 first -- the first -- we got back on like the 21 9th or something like that. 22 Q. Let's step back a second. In 23 previously answering questions you had indicated 24 that there was just a couple days --</p>	<p style="text-align: right;">Page 231</p> <p>1 sex this month and sex this month. It was 2 like -- it was like quick. It wasn't -- you 3 know what I'm saying? It wasn't like -- 4 Q. Yes, and I'll be honest -- 5 A. -- during a short period of time. 6 Q. And you are kind of confusing me a 7 little bit, because you had testified earlier in 8 answering questions from Miss Yeh that there 9 were just a couple days between the first time 10 you had sexual intercourse and the second time 11 you had sexual intercourse. 12 A. Right. 13 Q. You are confident that the second 14 sexual intercourse occurred in mid-August 15 because it was shortly before it all came to 16 light, correct? 17 A. It was that last day I worked on 18 Saturday, the second time. The first time I'm 19 having trouble recollecting, but they were 20 within a short period of time. 21 Q. Let me do this: I will -- there 22 is -- yesterday Brittany Rothermel was deposed 23 and you may not know this but she took a 24 statement from the little girl --</p>
<p style="text-align: right;">Page 230</p> <p>1 A. Right. 2 Q. -- between the first instance of 3 sexual intercourse and the second instance of 4 sexual intercourse. Is that correct? 5 A. Yeah. I'm not sure of the exact 6 days. I know the one was on the 16th and I'm 7 not sure -- 8 Q. Let me ask you this: If Outer 9 Banks was in June -- 10 A. Right. 11 Q. -- could it have been two months 12 between the instances of sexual intercourse? 13 A. No, it wasn't that long. 14 Q. It is more likely to be -- 15 A. A couple weeks. 16 Q. A couple weeks? 17 A. Right, right. 18 Q. So, I think there was an instance 19 of sexual intercourse and then a couple weeks 20 before the second instance of sexual 21 intercourse? 22 A. Right, because the relationship 23 progressed. So, it wasn't like -- you know, it 24 was like -- you know, it was like we didn't have</p>	<p style="text-align: right;">Page 232</p> <p>1 A. Uh-huh. 2 Q. -- who walked in. If I could find 3 it. I'm looking for the -- 4 MS. AMBROSE: 39 and 40. 5 BY MR. CONNELL: 6 Q. And I recognize that you did not 7 write this statement and I recognize you 8 probably never have seen this statement before, 9 but this is a statement given by Brittany 10 Rothermel after she had an interview with the 11 little girl. 12 A. Uh-huh. 13 Q. Brittany Rothermel reports that 14 the conversation occurred with the little girl 15 on August 18th, and that the little girl told 16 her that the incident where she walked in with 17 you and E.D. was on August 10th. Does that 18 make sense? 19 A. That does not make sense at all. 20 Q. Why does that not make sense? 21 A. Because it was the last day I 22 worked before I left, before -- it was the last 23 day I worked. 24 Q. Okay. The last day you worked --</p>

<p style="text-align: right;">Page 233</p> <p>1 A. The last Saturday I worked. 2 Q. And was that the incident that 3 occurred in the first floor bathroom? 4 A. Right. 5 Q. Okay. So, the first time there 6 was sexual intercourse that was in the bedroom 7 on the second floor? 8 A. Right. 9 Q. Okay. 10 A. But nobody came in. Nobody came 11 in during that time. 12 Q. The one in the bedroom? 13 A. Yeah. Nobody knew about that one. 14 That was before. 15 Q. And then this one was the girl 16 walked in? 17 A. Yeah. 18 Q. And you don't think it could have 19 been August 10th? 20 A. Unh-unh. No. 21 Q. But it was definitely before 22 August 18th, yes? 23 A. I think it was the 16th. I'm 24 almost positive it was the 16th.</p>	<p style="text-align: right;">Page 235</p> <p>1 no video that I have seen that does that, shows 2 that. 3 A. I'm just making sure everybody is 4 on the same page and I'm just making sure 5 everybody has the same video. 6 Q. This is what I need to explore 7 with you is that allegation -- 8 A. I apologize. 9 Q. -- that E.D. is making. 10 A. Okay. I apologize. 11 Q. And just because she alleges that 12 it happened doesn't mean that you -- you have 13 the opportunity to deny that. 14 A. I understand. 15 Q. But she said that there was a 16 third occasion where you, once again, forced her 17 to have sex with him. Again, you never forced 18 her to have sex you with? 19 A. Never did. 20 Q. Again, I'm not going to spend a 21 lot of time with this, but it is kind of a rote 22 process here. 23 MR. CONNELL: We will have that 24 marked as the next Berks County number.</p>
<p style="text-align: right;">Page 234</p> <p>1 Q. Okay. And you don't recall the 2 date of the first instance -- 3 A. I don't, no. 4 Q. -- in the bedroom? 5 And I'm not going to spend much 6 more time on these allegations in the Complaint. 7 I just want to make sure that we're clear. 8 After the allegation that you had 9 forced her to engage in sexual intercourse in 10 the ladies bathroom, the next allegation is 11 shortly thereafter he met her in the 12 recreational area and demanded that she follow 13 him into the same bathroom and, again, forced 14 her to have sexual intercourse. Did that occur? 15 A. No, it did not. Isn't that stuff 16 on video? You can see that that doesn't happen 17 on video. 18 Q. Well, there's no video inside the 19 bathrooms. 20 A. No. I'm saying if we left the 21 area and I forced to -- like forced meaning 22 having to grab her, wouldn't that be on video me 23 forcing her back into the bathroom? 24 Q. And I can assure you that there's</p>	<p style="text-align: right;">Page 236</p> <p>1 - - - 2 (Whereupon, the document was marked 3 as Berks County 55 for identification.) 4 - - - 5 BY MR. CONNELL: 6 Q. Mr. Sharkey, can you just take a 7 moment and look at that for me, please. 8 A. Uh-huh. Yep. 9 Q. Does that look familiar to you? 10 A. Yeah. These are the competencies 11 that we used to do. 12 Q. The competencies? 13 A. That's what they were called. 14 Q. Okay. And that's your signature 15 on the front? 16 A. Yes. 17 Q. Okay. And -- and do you recall 18 filling that sheet out under the Berks County 19 Residential Training Department Sexual Abuse and 20 Assault Prevention and Intervention? Do you 21 remember filling out that document? 22 A. No. 23 Q. You did not fill out the document? 24 A. You asked me if I remember filling</p>

<p>1 it out.</p> <p>2 Q. I'm sorry. You are right.</p> <p>3 A. No, I do not remember it. This is</p> <p>4 my handwriting, though.</p> <p>5 Q. Okay. Very good.</p> <p>6 - - -</p> <p>7 (Whereupon, the document was marked</p> <p>8 as Berks County 56 for identification.)</p> <p>9 - - -</p> <p>10 BY MR. CONNELL:</p> <p>11 Q. Same question, sir.</p> <p>12 A. Uh-huh.</p> <p>13 Q. There's a signature line there for</p> <p>14 Daniel Sharkey --</p> <p>15 A. Yes.</p> <p>16 Q. -- dated 1/16/14. Is that your</p> <p>17 signature?</p> <p>18 A. Yes.</p> <p>19 Q. And when you -- you recognize that</p> <p>20 when you signed a document indicating that you</p> <p>21 understand the policies and procedures listed</p> <p>22 above apply to you?</p> <p>23 A. Yes.</p> <p>24 Q. You understood that to apply to</p>	<p>Page 237</p> <p>1 started at the youth center?</p> <p>2 A. Yes.</p> <p>3 Q. Do you see the various topics for</p> <p>4 training?</p> <p>5 A. Yes.</p> <p>6 Q. Orientation training?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Does that look accurate to the</p> <p>9 issues that you have been trained on at your</p> <p>10 initiation or orientation training recognizing</p> <p>11 that's almost -- that was a long time ago?</p> <p>12 A. We're looking in this first column</p> <p>13 here?</p> <p>14 Q. I'm looking at these topics up at</p> <p>15 the top here.</p> <p>16 A. Yes. Yes. From what I see, yeah.</p> <p>17 Q. Now, on the first column below</p> <p>18 there, employee recertification training --</p> <p>19 A. Yes.</p> <p>20 Q. -- there's a column for training</p> <p>21 content. Can you scan those and see if there's</p> <p>22 anything in there that you don't believe that</p> <p>23 you were trained on?</p> <p>24 A. And we're talking trained for this</p>
<p>1 you, correct?</p> <p>2 A. Yes.</p> <p>3 Q. That's it for that document.</p> <p>4 MR. CONNELL: I don't want to be</p> <p>5 duplicative. Do you recall the code of ethics</p> <p>6 that you presented to Mr. Sharkey earlier what</p> <p>7 the date was on that?</p> <p>8 MR. ARCHAMBEAULT: It was the</p> <p>9 initial hire or the rehire, I guess.</p> <p>10 MS. AMBROSE: May 29th, 2013.</p> <p>11 MR. CONNELL: May 29th, 2013?</p> <p>12 Okay. We already used that. I</p> <p>13 don't want to be duplicative.</p> <p>14 This would be the next one.</p> <p>15 - - -</p> <p>16 (Whereupon, the document was marked</p> <p>17 as Berks County 57 for identification.)</p> <p>18 - - -</p> <p>19 BY MR. CONNELL:</p> <p>20 Q. Do you know what this document is?</p> <p>21 A. Nope. No.</p> <p>22 Q. Okay. This document identifies</p> <p>23 your name and a start date of 9/6/2006. Does</p> <p>24 that sound like about a correct date when you</p>	<p>Page 238</p> <p>Page 240</p> <p>1 length of period of time, as well? Just so we</p> <p>2 can be clear. I mean, these are definitely --</p> <p>3 Q. Sure.</p> <p>4 A. These are definitely the stuff</p> <p>5 they do, but this isn't the amount of time that</p> <p>6 this is done in. I mean, because like 12 hours,</p> <p>7 safe crisis management 12 hours? I mean,</p> <p>8 that's -- no. And this is for me going back to</p> <p>9 the Berks County Residential Center?</p> <p>10 Q. Well, no, because this is</p> <p>11 recertification training and there's the date</p> <p>12 trained section, then the third column is date</p> <p>13 trained, which would indicate --</p> <p>14 A. The 13th, right?</p> <p>15 Q. -- the date that you received that</p> <p>16 training.</p> <p>17 A. 2013, right?</p> <p>18 Q. Correct.</p> <p>19 A. There's no way I have 50.5 hours</p> <p>20 of training. I'm sorry. That's not the way it</p> <p>21 works.</p> <p>22 Q. And you don't believe there is</p> <p>23 50.5 hours of training in 2013?</p> <p>24 A. This might be required by the</p>

<p style="text-align: right;">Page 241</p> <p>1 Department of Public Welfare for them to put 2 this on this computer.</p> <p>3 Q. Okay.</p> <p>4 A. But this is not what happens at 5 the Berks County Residential Center when I was 6 there.</p> <p>7 Q. All right. Do you recall 8 receiving sexual abuse and assault prevention 9 and intervention training?</p> <p>10 A. Yes. Not for an hour and a half.</p> <p>11 Q. Okay. And you received training 12 on code of ethics?</p> <p>13 A. Where is that at, code of ethics?</p> <p>14 Q. A little bit further down the 15 page.</p> <p>16 A. I mean, vaguely. I mean, I signed 17 the paper, yeah. I don't think they went -- 18 like I said, I don't think they went verbatim 19 word-for-word and explained it to me in a half 20 hour. Food safety four hours? I don't know.</p> <p>21 Q. The code of ethics also is a 22 policy. Do you recall that?</p> <p>23 A. Just the one -- I mean, I don't 24 remember if -- I mean, you guys showed it to me.</p>	<p style="text-align: right;">Page 243</p> <p>1 MR. CONNELL: We will make that 2 the next one.</p> <p>3 - - -</p> <p>4 (Whereupon, the document was marked 5 as Berks County 58 for identification.)</p> <p>6 - - -</p> <p>7 BY MR. CONNELL:</p> <p>8 Q. Do you recognize that document?</p> <p>9 A. No, I do not.</p> <p>10 Q. Okay. Did you ever see this 11 before?</p> <p>12 A. I have never seen it before, no.</p> <p>13 Q. Just trying to speed things along.</p> <p>14 MR. CONNELL: Have that marked as 15 the next one.</p> <p>16 - - -</p> <p>17 (Whereupon, the document was marked 18 as Berks County 59 for identification.)</p> <p>19 - - -</p> <p>20 BY MR. CONNELL:</p> <p>21 Q. Actually, I'm going to ask you to 22 put that on top. I'm going to ask you to take a 23 look at that document. Does that document look 24 familiar to you?</p>
<p style="text-align: right;">Page 242</p> <p>1 I don't remember.</p> <p>2 Q. Okay. But you don't -- as you sit 3 here today, you don't remember that it was a 4 policy even though you had signed off on it, but 5 over time you don't recall that being a policy, 6 is that your testimony?</p> <p>7 A. Well, I never like walked in the 8 building was like I need to remember today that 9 the code of ethics is a policy.</p> <p>10 Q. Okay.</p> <p>11 A. I'm sure it was. You know what I 12 mean? I don't mean to be disrespectful to 13 you --</p> <p>14 Q. No, I understand.</p> <p>15 A. A lot of this stuff is just --</p> <p>16 Q. But you also --</p> <p>17 A. -- assumed.</p> <p>18 Q. You also -- you also acknowledge 19 that code of ethics are not -- you understood 20 that you shouldn't be having --</p> <p>21 A. Oh, yeah.</p> <p>22 Q. -- kissing --</p> <p>23 A. I answered those questions 24 already.</p>	<p style="text-align: right;">Page 244</p> <p>1 A. It looks like an overhead slide or 2 PowerPoint presentation.</p> <p>3 Q. Okay. Something that you would 4 have seen during your training at Berks County 5 Residential Center?</p> <p>6 A. This specific one?</p> <p>7 Q. Yes.</p> <p>8 A. No, I don't know. I don't know if 9 they did that in a PowerPoint or not.</p> <p>10 Q. You don't have a recollection?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you have recollection of seeing 13 this in a training?</p> <p>14 A. No.</p> <p>15 Q. Okay. Do you believe that you did 16 not receive this in training or you just don't 17 recall whether you did or not?</p> <p>18 A. I don't recall the specific piece 19 of -- you know, this particular slide. I don't 20 remember. I don't want to say. I'm not sure if 21 this was done as a group or --</p> <p>22 Q. You just don't recall?</p> <p>23 A. I don't recall.</p> <p>24 Q. And as we had indicated at the</p>

<p style="text-align: right;">Page 245</p> <p>1 outset, if you don't recall something, that's a 2 perfectly fine answer.</p> <p>3 MR. CONNELL: This will be the 4 next one.</p> <p>5 - - -</p> <p>6 (Whereupon, the document was marked 7 as Berks County 60 for identification.)</p> <p>8 - - -</p> <p>9 BY MR. CONNELL:</p> <p>10 Q. Can you just take a moment and 11 look at that.</p> <p>12 A. Sure.</p> <p>13 Q. And when you have the opportunity 14 to review it I'll ask you a quick question about 15 it.</p> <p>16 A. Go ahead. You can ask me a 17 question about it.</p> <p>18 Q. If you can turn to the second 19 page.</p> <p>20 A. Yes.</p> <p>21 Q. Is that your signature at the 22 bottom of the page?</p> <p>23 A. Yes, it is.</p> <p>24 Q. That's all.</p>	<p style="text-align: right;">Page 247</p> <p>1 Q. And is that your signature? 2 A. Yes, it is.</p> <p>3 Q. Now, there is a second page to 4 that.</p> <p>5 A. Oh, okay.</p> <p>6 Q. If you can, is that your writing? 7 A. Yes.</p> <p>8 Q. Can you read that by chance? 9 A. Are you making fun of my 10 handwriting?</p> <p>11 Q. Well, I'll tell you what, my 12 handwriting is about as bad as I've ever seen 13 and I often can't read it myself.</p> <p>14 A. I gotcha.</p> <p>15 Not born with disabilities.</p> <p>16 Developed due to abuse or neglect. Demonstrates 17 infantile behaviors. Believes in unusual 18 sophisticated behaviors. I believe that's 19 prostitution. Maybe that's an i.e. type things, 20 example.</p> <p>21 Q. Okay. I just wanted to clarify 22 that for the record because I couldn't make it 23 out.</p> <p>24 MR. CONNELL: And in the interest</p>
<p style="text-align: right;">Page 246</p> <p>1 A. Okay.</p> <p>2 MR. CONNELL: Next one.</p> <p>3 - - -</p> <p>4 (Whereupon, the document was marked 5 as Berks County 61 for identification.)</p> <p>6 - - -</p> <p>7 BY MR. CONNELL:</p> <p>8 Q. Sir, is that your writing on that 9 page?</p> <p>10 A. Yes.</p> <p>11 Q. And did you sign the bottom of it?</p> <p>12 A. Yes. Is that it for that one?</p> <p>13 Q. I'm sorry?</p> <p>14 A. That's it for that one?</p> <p>15 Q. Yes. Told you this would be easy.</p> <p>16 - - -</p> <p>17 (Whereupon, the document was marked 18 as Berks County 62 for identification.)</p> <p>19 - - -</p> <p>20 BY MR. CONNELL:</p> <p>21 Q. Okay. This is Berks 62, Berks 22 County 62. Same questions as before. Is that 23 your handwriting?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 248</p> <p>1 of moving things forward I'm going to 2 double-check my notes, but I think I'm done 3 asking Mr. Sharkey questions just with the 4 opportunity to re-ask a couple at the end if 5 need be. Thank you very much for your patience 6 sir.</p> <p>7 - - -</p> <p>8 EXAMINATION</p> <p>9 - - -</p> <p>10 BY MR. JONES:</p> <p>11 Q. Afternoon, Mr. Sharkey. My name 12 is Landon Jones. I am an Assistant U.S. 13 Attorney. I'm the lawyer in a related case for 14 the federal government, effectively ICE.</p> <p>15 A. Okay.</p> <p>16 Q. And in this case I'm the lawyer 17 for an individual named Josh Petrey who you were 18 asked about earlier.</p> <p>19 A. Yes.</p> <p>20 Q. I would ask you to please take a 21 look at Berks County Exhibit 19, which is the 22 duty assignment sheet exhibit you looked at at 23 the start of your deposition today.</p> <p>24 A. Did I get that?</p>

<p style="text-align: right;">Page 249</p> <p>1 Q. You had it. 2 MS. YEH: Yes. It was the first 3 document. 4 THE WITNESS: Oh, the assignment 5 sheet. Sorry. Here. Oh, it's up top. Okay. 6 BY MR. JONES: 7 Q. Do these duty assignment sheets of 8 which Exhibit 19 is an example, did they 9 determine what your responsibilities would be on 10 a day-to-day basis? 11 A. Yes. 12 Q. Is it correct that your duty post 13 and, therefore, your day-to-day responsibilities 14 were determined by your Berks County 15 supervisors? 16 A. Yes. 17 Q. Is it also correct that -- well, 18 strike that. 19 When I say ICE, you know I'm 20 talking about the immigration authorities? 21 A. Yes, I do. 22 Q. Is it also correct that ICE 23 officials did not control or dictate what you 24 did on a day-to-day basis?</p>	<p style="text-align: right;">Page 251</p> <p>1 not a friend of yours now? 2 A. He is not a friend. 3 Q. Is it also correct that you did 4 not consider him a friend in 2014? 5 A. He was not a friend when I worked 6 at the residential center. 7 Q. Did you ever tell [REDACTED] E.D. [REDACTED], 8 [REDACTED] E.D. that he was your friend? 9 A. No. 10 Q. Did you ever suggest to [REDACTED] E.D. [REDACTED], to 11 [REDACTED] E.D. that you had the ability to influence 12 her treatment by immigration authorities? 13 A. No, I did not. 14 Q. Did you ever suggest to her that 15 you had the power or the ability to influence 16 whether she would be deported or removed from 17 the country? 18 A. No, I did not. 19 Q. Did you ever tell Mr. Petrey about 20 your relationship with [REDACTED] E.D. [REDACTED] ? 21 A. No. 22 Q. Did you ever tell any ICE official 23 about your relationship with [REDACTED] E.D. [REDACTED] ? 24 A. No.</p>
<p style="text-align: right;">Page 250</p> <p>1 A. No, they didn't. 2 Q. And ICE officials also didn't 3 control where you performed your job 4 responsibilities; is that right? 5 A. No, they didn't. 6 Q. And ICE officials also did not 7 control or dictate how you performed your job 8 responsibilities? 9 A. No. 10 Q. They did not? 11 A. No, they did not. 12 Q. All right. You can set aside 13 Berks County Exhibit 19. 14 You were asked earlier about 15 Mr. Petrey, and I heard your testimony which I 16 think was that you do not really know him; is 17 that right? 18 A. No, I don't. 19 Q. Okay. So, I'm going to ask you a 20 few questions which in light of that testimony 21 may seem sort of obvious, but I want to ask them 22 just so that we're clear on the record. 23 A. Okay. 24 Q. Is it correct that Mr. Petrey is</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. Do you have any reason to believe 2 that Mr. Petrey ever saw you engage in any 3 hugging, kissing, sexual intercourse or other 4 physical contact with [REDACTED] E.D. [REDACTED] ? 5 A. No. 6 Q. Do you have any reason to believe 7 that Mr. Petrey was aware of your relationship 8 with [REDACTED] E.D. [REDACTED] ? 9 A. No. 10 Q. Do you have reason to believe that 11 any ICE official was aware of your relationship 12 with [REDACTED] E.D. [REDACTED] ? 13 A. No. 14 Q. You testified earlier that you had 15 raised concerns about [REDACTED] E.D. behavior towards 16 you with some of your Berks County supervisors. 17 Do you remember that testimony? 18 A. Yes. 19 Q. Okay. Did you raise those 20 concerns with any ICE official at any time? 21 A. No. I -- very limited. I barely 22 even talked to immigration officials in that 23 building ever. 24 Q. And so the answer is no?</p>

<p style="text-align: right;">Page 253</p> <p>1 A. No. No. Sorry. 2 MR. JONES: All right. Thank you. 3 I don't have any further questions. 4 MS. YEH: I just had one 5 clarification question and that's all I have for 6 you.</p> <p>7 - - -</p> <p>8 EXAMINATION</p> <p>9 - - -</p> <p>10 BY MS. YEH:</p> <p>11 Q. You had described or mentioned 12 briefings and, as I understand it, I don't 13 recall if it was you who stated it or someone 14 else, was a briefing conducted before the shift 15 started or at the start of the shift?</p> <p>16 A. I believe our technical time was 17 to start -- the start of our shift was 2:30. We 18 were supposed to be on the floor at 2:30. So, 19 that why we punched in 2:15. It gives 20 management and supervisors a little bit of a 21 window just to describe how the next shift will 22 work, how many intakes are coming in or 23 discharges or if there's any kind of events 24 going on or what's going for the next shift.</p>	<p style="text-align: right;">Page 255</p> <p>1 working first, as well. 2 Q. Okay. I have no other -- and who 3 led the briefings?</p> <p>4 A. Well, they started off with the 5 book person would describe how the day went for 6 that eight hours or whatever and then the 7 supervisors would kind of -- the supervisors 8 would say, okay, go ahead whoever the first 9 shift book person was, and they would describe 10 how the first eight hours was and what's going 11 on, and then the supervisors would dictate what 12 was going to happen next on their shift and what 13 our duties were.</p> <p>14 Q. So, you mentioned supervisors. 15 Would that be the supervisors you mentioned 16 before such as Jason Mills and Len Kopetsky?</p> <p>17 A. They were my everyday supervisors, 18 but then they would -- you know, as I said 19 before, they kind of rotate and switch and stuff 20 like that. So, a majority of the time it was 21 Jason Mills and Len Kopetsky. That was my 22 second shift supervisors.</p> <p>23 Q. So, they were present or conducted 24 the meetings or the briefings, excuse me?</p>
<p style="text-align: right;">Page 254</p> <p>1 Q. And so do the briefings occur in 2 that, approximately, 2:15 to 2:30 window or did 3 it start before you would go onto the post?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And who attended those 6 briefings?</p> <p>7 A. Whoever was on for that shift.</p> <p>8 Q. So, would it be everyone who was 9 working that shift who would attend those 10 briefings?</p> <p>11 A. Right, unless they were -- unless 12 they were already on first shift. A lot of them 13 would have to stay up on the floor due to, you 14 know, the numbers, whatever. If they are 15 working -- they volunteered to work first, then 16 they worked second, as well, then they wouldn't 17 come down to briefing. So, not everybody would.</p> <p>18 Q. But all the other individuals 19 aside -- not the ones that you mention, but all 20 the other individuals starting their -- the 21 second shift would attend those briefings?</p> <p>22 A. Right. Usually everybody that's 23 in these blocks would be there unless that 24 instance would have occurred where they were</p>	<p style="text-align: right;">Page 256</p> <p>1 A. You said conducted the meetings?</p> <p>2 Q. I'm sorry. Let me rephrase that. 3 It was confusing.</p> <p>4 Were they present at those 5 briefings?</p> <p>6 A. Yes, they were present. It had to 7 be a supervisor before we got started. We 8 waited for them to come down.</p> <p>9 MS. YEH: Okay. I have no other 10 questions.</p> <p>11 - - -</p> <p>12 EXAMINATION</p> <p>13 - - -</p> <p>14 BY MR. CONNELL:</p> <p>15 Q. You had indicated that there was 16 joking about the relationship in the briefings?</p> <p>17 A. Yes.</p> <p>18 Q. Describe what joking you're 19 referring to.</p> <p>20 A. I think just people -- staff 21 members and they knew about the relationship in 22 the facility, so it was --</p> <p>23 Q. Describe what you said about 24 relationship, because you had indicated to me</p>

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1 before that you tried to hide it from a bunch --
 2 from everybody?
 3 A. Right. I didn't say it to them.
 4 They -- it was on the assumption that we were in
 5 a relationship. So, they would say, you know,
 6 like -- like, for instance, like I said before,
 7 when they stopped doing laundry on second shift
 8 because it was too much, you know, some days
 9 **E.D.** was allowed to do hers on second shift.
 10 So, it became, oh, that's for Dan, or **E.D.**
 11 up there getting dressed up or, you know, it
 12 turned into a joke.
 13 Q. Did you ever hear -- can you
 14 identify any specific individual that you can
 15 attribute those comments to?
 16 A. No, I'm not going to do that. It
 17 did happen, though.
 18 Q. But you can't identify an
 19 individual?
 20 A. No.
 21 MR. CONNELL: I don't have any
 22 further questions.
 23 MR. JONES: Nothing for me.
 24 MS. YEH: Nothing for me, either.

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1
 2 C E R T I F I C A T E
 3
 4
 5 I HEREBY CERTIFY that the witness
 6 was duly sworn by me and that the
 7 deposition is a true record of the
 8 testimony given by the witness.
 9
 10 *Sherry L. Stills*
 11
 12 Sherry L. Stills,
 13 Court Reporter
 14 Notary Public
 15 Dated: 7/24/2017
 16
 17 (The foregoing certification
 18 of this transcript does not apply to
 19 any reproduction of the same by any
 20 means, unless under the direct
 21 control and/or supervision of the
 22 certifying reporter.)
 23
 24

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1 MR. CONNELL: Mr. Sharkey, thank
 2 you very much for your time, sir. Appreciate
 3 your patience.
 4 MS. YEH: Thank you very much for
 5 coming and meeting with us.
 6 (Witness excused.)
 7 - - -
 8 (Deposition concluded at
 9 approximately 3:00 p.m.)
 10 - - -
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1 DEPOSITION ERRATA SHEET
 2
 3
 4 Our Assignment No. J0611382
 5 Case Caption: E.D.
 6 vs. Daniel Sharkey, et al.
 7
 8 DECLARATION UNDER PENALTY OF PERJURY
 9 I declare under penalty of perjury
 10 that I have read the entire transcript of my
 11 Deposition taken in the captioned matter or the
 12 same has been read to me, and the same is true
 13 and accurate, save and except for changes and/or
 14 corrections, if any, as indicated by me on the
 15 DEPOSITION ERRATA SHEET hereof, with the
 16 understanding that I offer these changes as if
 17 still under oath.
 18 Signed on the ____ day of
 19 _____, 20____.
 20
 21 _____
 22 DANIEL WILLIAM SHARKEY
 23
 24

1 DEPOSITION ERRATA SHEET
 2 Page No. ____ Line No. ____ Change
 3 to: _____
 4 Reason for change: _____
 5 Page No. ____ Line No. ____ Change
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 23 SIGNATURE: _____ DATE: _____
 24 DANIEL WILLIAM SHARKEY

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 22 Reason for change: _____
 23 SIGNATURE: _____ DATE: _____
 24 DANIEL WILLIAM SHARKEY